

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, February 15, 2011 at 7:00 p.m.

PRESENT:

Sean Walter,	Supervisor
John Dunleavy	Councilman
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
Robert Kozakiewicz,	Town Attorney

Supervisor Walter: "Okay. Tara, are we ready? Why don't we have George Bartunek- Councilman Bartunek, could you lead us in the Pledge of Allegiance?"

(The Pledge of Allegiance was recited and led by George Bartunek)

Supervisor Walter: "Okay. We've- Rev. McElroy from Friendship Baptist Church, would you like a seated, standing, what would you like?"

Rev. McElroy: "Stand."

Supervisor Walter: "Stand would be fun, for those- "

Rev. McElroy: "Let us pray. Oh God we ask of you that as a people favored, we may hold our liberty in high standard because you have not dealt so with every nation. We thank you for this wonderful country in which we are privileged to live. Inspire all of our citizens to hold sacred this glorious heritage."

We pray for the government of our country in these times of great peril. We pray for our community and our town leaders as they have convened to deliberate on issues and matters that are relevant and appropriate for the enhancing of our well being.

Grant unto them wisdom and sobriety of judgment in all their considerations.

In your name we pray. Amen."

Supervisor Walter: "Reverend, thank you very much. Rev. McElroy from Friendship Baptist Church.

Today we are going to have his wife, Mrs. McElroy come up. It's black history month and we would be remiss is we did not acknowledge that in some way and, Mrs. McElroy, if you want to take the podium and- Tara, turn that around the other way."

Mrs. McElroy: "Mr. Walter, ladies and gentlemen, ladies and gentlemen of our community.

Brief reflection on black history month. Black history month is a month set aside to learn, honor and celebrate the achievements of black men and women throughout history.

Black history month is also celebrated in many other countries by the African (inaudible). Africans for a variety of reasons migrated to many parts of the globe, either involuntarily or voluntarily.

Since its inception, black history month has always been celebrated during the month of February. The origin of black history month can be traced back to an African American man by the name of Cardigy Woodson (phonetic), born 1875 and died in 1950.

He was the son of former slaves. Cardigy Woodson was an amazing man in his own right. Since his family was too poor to send him to school, he taught himself the basics of early childhood education.

At the age of 20, he was finally able to enroll in high school and he completed his studies in just two years. He then went on to earn both a bachelor's and a master's degree from the University of Chicago.

In 1912, Woodson became the second African American to earn a doctorate from Harvard University, Web DeBois (phonetic), being the first.

Woodson used his hard earned education as a means to educate others. Scripture teaches that we are blessed to be a (inaudible) and to whom much is given, much is required. He taught both in public schools and at Howard University, a historic black university in Washington DC.

Three years after earning his doctorate, Woodson made a trip that had a great impact on his life's work. In 1915 he traveled to Chicago to participate in a three week celebration of the 50th anniversary of the end of slavery.

The excitement and enthusiasm generated by the events of this celebration inspired Woodson to continue his study of black history.

Before leaving Chicago, Woodson and four others created the Association for the Study of Negro Life and History, known as the ASNLH. The following year, the ASNLH began publication of the Journal of Negro History.

Woodson realized that most textbooks at the time ignored the history and achievement of blacks. Thus, in addition to the journal, he wanted to find a way to encourage interest and the study of black history as a part of the general educational curriculum.

In 1926, Woodson promoted the idea of a Negro history week which would be held during the second week of February. Woodson chose the second week of February to celebrate Negro history week because that week included the birthdays of two iconic men, namely President Abraham Lincoln who signed the Emancipation Proclamation, and Frederick Douglass a runaway slave who later established himself as a fierce abolitionist, newspaper editor, lecturer and great- with great oratory skills, an activist for women's rights and an advisor to President Lincoln.

Negro history week evolved into black history month in 1976. Black history month brings attention to the fact that the history of black Americans is an integral part of the history of the United States.

Black history month celebrates the accomplishment and

contribution of African Americans in the fields of medicine, law, science, education and history.

Black history month celebrates black inventors and explorers. It also celebrates black culture in the areas of art, dance, literature and music.

Over the years, black history month has recognized and honored the role of labor and political movements such as Pan-Africanism, Black Power, (inaudible), the Right to Self Defense, and Black Nationalism.

Black history month also commemorates black economic and civic organizations such as the NAACP. Additionally, the month celebrates religious institutions as well as blacks in sports.

Recognition is also given to the fact that blacks have fought in every major United States war to include the Revolutionary War, the War of 1812, and the Civil War.

The election of President Barack Obama represents the latest chapter in African American achievement. However, it should be noted that for a brief period of time between 1867 and 1877, when the emancipation of blacks during the Reconstruction Era guaranteed ex-slaves citizenship status and the right to vote, black men became politically active holding 16 seats in Congress and 600 seats in state legislatures.

However, a (inaudible) racist white backlash ended this progressive era. One hundred years of (inaudible) laws which legalized discrimination and segregation based on color including acts of terror against blacks followed.

Black people are a global people. Their history started in Africa where the civilization of humankind began along with science, math, religion and the written word. Unfortunately with accumulated documentation of accomplishments and contributions to the overall history of the world and the United States in particular, the public school system of the United States still resists the full inclusion of black history in the curriculum of American and world history beyond a cursive recognition of a one month set aside.

We've come a long way but we still have a distance to go.

I would like to thank Supervisor Sean Walter for inviting me and availing this forum for a brief presentation of black history which is in fact an integral part of American history, for America is a mosaic of many cultures. That is our uniqueness as a nation.

In closing, I would like to read a poem by Langston Hughes (phonetic) poet, playwright and novelist who is identified with the Harlem Renaissance era.

The poem is entitled: I Too Sing America.

I, too, sing American. I am the darker brother. They send me to eat in the kitchen when company comes but I laugh and eat well and grow strong.

Tomorrow I'll be at the table when company comes. Nobody will dare say to me eat in the kitchen then. Besides they'll see how beautiful I am and be ashamed.

I, too, am America.

Thank you."

Supervisor Walter: "I really appreciate you folks coming out and giving us that presentation and that was wonderful.

Okay. Now on to the more mundane."

Councilman Dunleavy: "Can I make a motion to approve the minutes of the February 1, 2011 meeting. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Correspondence."

CORRESPONDENCE:

Gordian Racke,	letter submitted February 4,
Renewable Energy Long	2011 supporting the proposed

Island	wind turbine at Riverhead town sewage treatment plant
Petition	with 19 signatures addressing concerns of commercial development in Wading River

APPLICATIONS:

Special permit	Chernoff Realty, LLC - construction of medical office building at Main Road, Aquebogue (SCTM# 0600-85-3-8 and 12.7
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REPORTS:

Tax Receiver	total tax collection dated Feb. 7, 2011 - \$63,909,047.07 total utility collections Jan. 2011 - \$587,120.33
Town Clerk	monthly report for January, 2011 - \$7,184.35
Building Department	Monthly report for 2011
Police Department	Monthly report for January, 2011 Annual report for 2010

Supervisor Walter: "Okay. Does anybody on the town board have any committee reports?"

Councilwoman Giglio: "I went to a wind seminar that the county put together with other elected officials from town and they would like to have the next one here in Riverhead.

It was very informative. They're trying to put together a uniform wind code for all of Suffolk County as a base and then the towns can expand onto that.

So I thought that was interesting seeing that we have our public hearing."

Councilman Wooten: "I just want to say I don't really have a report but this past Saturday night was the Riverhead Rec Department ran the first father/daughter dance. And everybody that knows me knows that I have a six year old daughter and it was an excellent, excellent time.

There was over a hundred people there with their daughters and for a first time event, it was just- I've got to include the Riverhead Recreation Department. Anybody in the community that doesn't take advantage of the programs they have, it's phenomenal.

So, just a good time. I just wanted to give a head's up."

Supervisor Walter: "I just want to acknowledge the passing of William Kasperovich. He passed last week and some of the older people in town hall and the people that have been around for a while and went to the town board meetings, know that Bill used to come on a regular basis with his tape recorder and he always had something interesting to say to the town board and he put it up on the podium, I guess it was to assume that if he didn't get it on the recording, maybe the town somehow (inaudible). And he's probably right. Ahead of his time, that's right.

He passed away and I'm not going to ask anybody to stand or anything but I'd like to have a moment of silence for him.

Mr. Kasperovich was buried today. I thank you for the time.

Okay, we have a public hearing- there's a couple resolutions that I think we're going to table today and we'll talk to you as we go through them. There's some people that want to talk about them."

Public hearing opened: 7:15 p.m.

Supervisor Walter: "And but the first thing is a public hearing, the first public hearing, the only public hearing for tonight is a consideration of the construction of a wind turbine energy generation facility at the River Avenue wastewater treatment facility site.

The public hearing was scheduled to start; 7:05 having arrived

we will open the public hearing.

I just- we're going to take comment on anything that relates to this. I just want to let everybody know this public hearing formally is for the bonds-- for us to issue bonds but feel free to speak about the wind turbine in general and we look forward to hearing from you.

Yes, we have to swear you in. Diane- I'm sorry, Bob."

Robert Kozakiewicz: "Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Peter Russi: "I do."

Supervisor Walter: "Can you give us your name and- "

Peter Russi: "Peter Russi. Supervisor Walter and members of the board.

The Riverhead sewer district is proposing the installation of a 750 kilowatt wind turbine at the sewage treatment plant on Riverside Drive.

The total cost to procure and install this machine will not exceed \$1.8 million dollars. This cost will include the town's procurement of a suitable turbine, construction and erection of machine to operational status.

A feasibility study was conducted in 2010 which investigated economic, logistic and operational aspects of placing a turbine at the sewer district facility. This study showed that the performance of the turbine would be beneficial to the town and would provide minimal adverse impacts to the town and its residents.

Based on analysis to date of wind resource and project cost, the operational payback period of this machine would be approximately 11 years.

Further electricity produced by this turbine is expected to result in a net decrease in tax rate during year seven of the wind turbine operation and savings to the town of Riverhead from this project is estimated at \$5,000,000 for the life of this project

which is expected at 25 years.

The wind turbine would be located toward the southwest portion of the sewer district property which is indicated in a green circle in the diagram at the front of the room. That portion of the property is not envisioned to have any other use in the future.

On site measurement of the wind's resource began in August of last year and will continue through the second quarter of 2011 and the first six months of wind measurement tell us that this is- there is a good business case for this project.

As I mentioned, we foresee a maximum total budget for construction of \$1.8 million dollars and a bond payment expected at \$181,000 for the bond period.

This project will significantly reduce the cost of electrical energy used by the sewer district and in the early years it will save an excess of \$200,000. By the time the project is finished, we expect savings per year in excess of half a million dollars a year to the town of Riverhead.

In the last meeting I had with the town board, I informed you that we expected a tax increase in year one and year two at 41 and 45- 45 and 41 cents per thousand dollars of assessed value.

Based on the meeting, Supervisor Walter, that you put together today with LIPA we've revised our calculations and due to the net meter commitment we believe LIPA will make, we've now down-forecasted those numbers and now expect that 45 cents to be 25 cents and the 41 to be 21 cents, thereby halving the tax increase expected."

Supervisor Walter: "Can you just let us know, what does that mean to an average person assessed at \$50,000?"

Peter Russi: "That means in year one we would expect a \$12.50 increase on the sewer district tax. In year two, a \$10.50 increase. By year five- I'm sorry, by year seven, we would have a tax positive impact for the residents. By year 10, we would have a \$25 reduction- I'm sorry, \$12.50 reduction and by the end of the project in the out years, the tax relief to the citizens will exceed \$100 per year, due to the savings."

Supervisor Walter: "Not too shabby."

Peter Russi: "And those are the comments that I've prepared for this. Thank you."

Supervisor Walter: "Okay. Michael, do you want to add anything to this?"

Michael Reichel: "I'm just hear to (inaudible)."

Supervisor Walter: "Okay. Just in the sense of full disclosure to the town board because this meeting was kind of put together at the last minute at the end of last week. We met with LIPA, several individuals from LIPA, to talk about net metering and there were new changes to the state law at the end of December and it turns out that we will be able to take the benefit of what they call net metering which has resulted in this tax assessment decrease of almost 50%.

Not only that, LIPA is very interested in the project and we think we're going to be hearing some other things that are going to be very, very beneficial to the town on this. I think they're very excited about this because this will be one of the largest if not the largest commercial generator on Long Island.

So the data we get from this, they are- they want to be part of this and they have indicated that they are willing to do something to be part of this and what that something is we don't know. We just are going to continue to hope that it's good.

So the meeting was very productive. We're also going to meet with (inaudible) just to talk to them about this but I think the meeting today, we saved 50% in one meeting and I think, who knows, we might be- maybe at some point there will be- it will pay itself back in even less than seven years.

So, that's what was discussed in a rather long meeting.

Mike, do you want to add anything to that? It looks like you were- Michael Reichel, our sewer- we should swear Michael in, too."

Robert Kozakiewicz: "Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Michael Reicehl: "I do."

Robert Kozakiewicz: "And your name for the record."

Michael Reichel: "Michael Reichel."

Robert Kozakiewicz: "Thank you."

Michael Reichel: "One thing that we forgot to put in and mention in the report, we did apply for funding with the green grant program back in November and they're looking to do the process of selection during the month of February so we should hear something in March."

The maximum amount for that grant is about \$450,000 so if that ends up coming through, which you don't count your chickens before they hatch, this could actually, you know, actually break even and not cost anything."

Supervisor Walter: "What's amazing about this facility just from my perspective. Some of you have e-mailed about this. In the beginning I was very skeptical but when we brought Mr. Russi and his company in and we checked it with LIPA and we've been through this (inaudible) in a couple different fashions, I can't find any reason why we wouldn't do this and maybe some of the residents may speak differently about it."

But why it makes sense at the sewage treatment plant is we will use virtually 100% of this power that's generated and just every aspect of it seems to make sense. And there was a gentleman- I won't release his name, but we did ask some of these questions and he might be here today, asked these questions."

But we were pretty satisfied. I think the board is pretty satisfied as to what we have heard so far."

So without further adieu, would anybody else like to be heard on this subject? Yes, sir. Come up and state your name."

Daniel Karpen: "My name is Daniel Karpen, K-A-R-P-E-N. I reside- "

Supervisor Walter: "We have to swear you in, sir."

Robert Kozakiewicz: "Okay. Raise your right hand- do you swear to tell the truth, the whole truth and nothing but the truth?"

Daniel Karpen: "Yes."

Robert Kozakiewicz: "Thank you."

Daniel Karpen: "My name is Daniel Karpen- K-A-R-P-E-N. I am a licensed professional engineer. I reside at 3 Harbor Hill Drive, Huntington, New York.

I've been doing energy conservation engineering for the last 30 years. I just completed a wind energy study for the Seven (phonetic) River School District through an architectural firm. The Seven River School District is located near the Canadian border and I've also mentored a high school student who did a wind energy project for his school district in Peekskill.

This project I believe needs to be really looked at because the machine that's chosen may not be the most efficient machine in terms of generating electricity. That doesn't mean the project shouldn't go forward. I'd like to get a copy of the report and review it and read it through."

Supervisor Walter: "Absolutely. Mike, do we have any here?"

Michael Reichel: "We have some in the town clerk's office (inaudible)."

Supervisor Walter: "Okay. If you provide that gentleman- don't do it over the TV, but provide that gentleman with your e-mail address before you leave, we'll send it to you. I'd love to have your input."

Daniel Karpen: "Okay. Now I'm going to throw a big one out for you. The 3200 acres at Calverton for which the debate for the last 20 years what to do with it. My suggestion is to create a wind energy park. Put in three megawatt machines on 390 foot towers, space them about a quarter mile to a half a mile apart, generate enough electricity to supply the entire town of Riverhead with power, everyone in the town.

What we'll do, is we will rent the electric lines from LIPA to wheel the power from the wind turbine park at Calverton to all the

residents. Once the turbines are paid for, essentially the town will have electricity at about a quarter of the cost it's presently paying.

I suggest that we move in this direction, eliminate any possibility of commercial, industrial, residential development of the 3200 acres at Calverton. I don't think you'll have any objection from the environmentalists if you don't put any buildings there. Remember the word is banana. Build absolutely nothing anywhere anything.

Too bad I didn't bring a real banana with me."

Councilwoman Giglio: "Build absolutely nothing."

Daniel Karpen: "We would need to build absolutely nothing anywhere near anything, no, not on planet earth. No, not over there either.

What needs to be done is a careful study to figure out where to put the wind turbines on the Calverton property so that you avoid wetlands, avoid nesting owls, without building excessive roads or any sort of infrastructure. Because the infrastructure costs- can increase the cost of project 25 to 50% as I am discovering.

With Seven River we were very lucky. There was a transmission line 250 feet from the wind turbine. With this project you're going to have to cut down a few trees. You're going to have to run a line out to the grid but I think we ought to really take a hard look at a major project to be done over the next 10 years to fund this, to figure out how much electricity everybody in town uses. And do it."

Supervisor Walter: "Thank you very much, sir. We appreciate it. Would anybody else like to be heard on this matter? Yes, sir. Just state your name and raise your right hand so we can swear you in, sir. And where are you from?"

Izzy Dorosky: "Yeah, I'm Izzy Dorosky. I'm a resident of Riverhead. I'm also the chairman of the Riverhead town energy advisory committee. And we really haven't had a chance to- "

Robert Kozakiewicz: "I'm going to stop you, Izzy. Just ask you to raise your right hand. Do you swear to tell the truth and nothing but the truth?"

Izzy Dorosky: "Yes. The energy committee really hasn't had a chance to review this proposal in any detail. But I would have to say talking with Phil who has been a long time member, and just knowing the position of the other members, that we would support something like this.

We know that Riverhead town does have a wind code so we'd have to find out how this would relate because it does deal with some restrictions. But we would definitely support alternate energy in the town of Riverhead and the country has a real bad energy problem coming in the future and we're going to have to take some steps in the future and we are all going to have to sacrifice a bit because it looks like, you know, the production of oil in the world is reaching a maximum point of production and going to decline and this is going to be a real tough event for the citizens of this nation and the town to deal with.

So we're going to have to start taking some measures and lots of measures are going to have to look at alternate energy. I mean this is one aspect of energy, it's electricity, and the country also has a liquid fuel problem because we run on oil. You can't fly a plane of electricity.

So, but, I just wanted to comment that our committee supports alternate energy and I've seven solar systems on my house. I've had the first one since 1981 so I just want to say we would support something like this. And a copy of the report, too."

Councilwoman Giglio: "I gave you a copy of the initial report about a year ago at one of the energy committee meetings. But I didn't give you a copy of the findings that they came up after the temporary pole was installed to actually come up with these figures that they presented to us today. So, I'll get you a copy."

Izzy Dorosky: "Yeah. I guess we could discuss that at the next meeting. I think it's going to be a week."

Councilwoman Giglio: "Yes."

Izzy Dorosky: "So we'll look it over and everything. But I just wanted to comment that it looks very interesting and Riverhead town should be taking a lot of steps in the future to get into alternate energy and conservation."

Supervisor Walter: "Thank you. Would anyone else like to be heard today?"

Robert Kozakiewicz: "Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?"

Pamela Haugreff: "I do."

Robert Kozakiewicz: "And your name for the record."

Pamela Haugreff: "Pamela Haugreff and I live on Riverside Drive."

I have more questions than comments. Where is it in relationship to River Avenue?"

(Inaudible comment)

Pamela Haugreff: "Okay. The feet from River Avenue, basically from the red line there to River Avenue is about— approximately how many feet?"

(Unidentified): "From here to River Avenue? Probably 800 feet."

Pamela Haugreff: "Okay. Thank you. And why did you choose it there where you have a mass of trees— "

Supervisor Walter: "Speak into the microphone."

Pamela Haugreff: "I always— I thought everybody could hear me."

Supervisor Walter: "No. Well, the camera can't— "

Pamela Haugreff: "Why did you choose that section versus maybe the other side where there is less— you're going for wind. So trees get in the way of wind, correct? So why would you have chose that section versus perhaps in the rear?"

(Unidentified): "Okay. We looked at two locations and one was in the rear which was at the top left of the picture and the other location was where we sited it where the green circle is. We found that that would be the best location because of the layout of

the site where the transformers come in. We get just-- the elevations are exactly the same so either way you're going to have to go above the tree line. So this is clearly out of the way. It doesn't impede on any of the wetlands and the stable soil conditions."

Pamela Haugreff: "And I was also curious about-- my understanding of the height was 185 feet."

(Unidentified): "The center of the hub is going to be 180 feet, okay, and the top of the rotor when it's (inaudible) in its highest position should be 275 feet."

Pamela Haugreff: "Okay. I have locust trees on my property. The tallest locust trees I have are about 80 feet so I could basically triple that, a little bit-- plus. Well, 80 feet. Locust trees are pretty big."

I'm just trying to get a perspective of what it's going to look like and I'd like to know what-- you mentioned-- I had read something about decibel level of noise. Can you comment on that, what it will sound like?"

(Unidentified): "You're not going to see it from your house and you are not going to hear it from your house."

Pamela Haugreff: "I'm merely asking questions."

(Unidentified): "The height of-- the expected height of about 275 feet will in great likelihood not be seen by the residents of Riverside Drive. This machine in actuality-- "

Diane Wilhelm: "Can I ask you to speak into the microphone?"

(Unidentified): "Yes. The machine will very likely not be seen by the residents of Riverside Drive and it's pretty likely that from the town itself, the machine won't be very visible. It will be visible from long distances. We will see it from Sound Avenue but I would doubt that you would see it because of the trees and because of the location of the surrounding tree line."

Regarding noise, the town ordinance for decibel level is 50 decibels. The machine that we've recommended at this point in our analysis is a 48 decibel machine at ground level under-- directly

under the machine and that noise will be abated by the surrounding tree line, wind noise from trees and other ambient noise in the neighborhood."

Supervisor Walter: "Miss, miss, you have to speak in the microphone and you're speaking to us."

Pamela Haugreff: "I'm a novice so I don't know what 48 decibels sounds like. I do know that when I'm downtown and I have my windows open and somebody has got their boom box going, I find that offensive. Is that more than 48 decibels? Okay. So it will be tolerable."

(Unidentified): "You probably wouldn't hear it."

Supervisor Walter: "Do we have any- I know in the past and I'm not going to try and mention them, but I know there are examples of what 50 decibels sounds like. Do we have- are we prepared to give any indication as to what 50 decibels is?"

(Unidentified): "It would probably be worthwhile to go to the machine in Laurel and to stand next to that machine and then to move away from that machine."

Pamela Haugreff: "Is that on Sound Avenue?"

Supervisor Walter: "Private property though."

(Unidentified): "It is on private property. I'm sorry."

Councilwoman Giglio: "I don't think that he would mind. We could call him."

(Unidentified): "I think that would reasonably represent the sound level here."

(Inaudible comments)

Supervisor Walter: "Okay. We're not accepting comments from the back. If you want to speak, you have to come up to the podium. All right."

Pamela Haugreff: "Just a few more clarifications, please. When I first read about this I thought this had something to do with

the sewer department but I'm understanding that in fact it has nothing to do with sewer, it has to do with energy only which will affect the LIPA."

Supervisor Walter: "No. It has everything to do with the sewer. If the current- the design will generate about 40% of our current sewer district's electricity usage. And that's how it's paid back.

In other words, the time frame to pay it back is 11 or seven years and I'll let you speak to what the difference is, but we're going to be saving money. There's- the bond money is front loaded but as we generate the electricity, Mr. Russi, you should explain this. But it is 40% of the current sewer district's usage. When the sewer plant is upgraded which the New York State DEC is requiring, it will provide about 20% of the current usage to the sewer plant. So that's where it is. It is completely to be used for the sewer plant and not for LIPA."

Pamela Haugreff: "Okay. The understanding is the residents in the sewer district alone will pay for the \$1.8 bond."

Supervisor Walter: "Correct. And an average assessed home at \$50,000, I think you gave a number of \$12.50 and in seven years you're actually going to receive- was it 25- you're going to actually be receiving money back in the form of savings."

Pamela Haugreff: "Okay. Now you mention something about the sewer district expanding, Michael?"

Supervisor Walter: "The sewer district has to be upgraded."

Pamela Haugreff: "Upgraded or expanded?"

Supervisor Walter: "Well, both. The New York State DEC is requiring that the sewage plant be upgraded. The capacity- we have a capacity now under permit and I don't think we're really expanding the permitted capacity but it is an expansion in the type of treatment.

We're going to be more efficient, treat the waste better. And that's governed by the New York State DEC."

Pamela Haugreff: "So you said we're not expanding? My

question is if we expand- "

Supervisor Walter: "Let Mr. Reichel explain to you."

Michael Reichel: "What happened is the New York State DEC, they changed our state (inaudible) discharge permit. They made the restrictions tighter on nitrogen loading going into the Peconic. So that means that we have to upgrade the treatment plant and install additional equipment to make the water cleaner before it gets discharged.

But we're required to do that by the DEC. So within the next two years, probably in two years, we're going to upgrade the treatment plant for better treatment and it's going to cost a lot of money and it's going to be very energy intense and this is also going to work into that to where it's going to be even more useful because the electric rates are going to increase because we're going to use that much more electricity. So this is going to help offset that even more and be a bigger benefit at that point."

Pamela Haugreff: "I don't think I have any other questions."

Supervisor Walter: "Okay, thank you. Would anybody else like to be heard on this matter? Sir, let's wait for somebody else. Just raise your right hand to be sworn in."

Robert Kozakiewicz: "Do you swear to tell the truth, the whole truth and nothing but the truth?"

Tara Bono: "I do."

Robert Kozakiewicz: "And your name, please."

Tara Bono: "Tara Bono."

Supervisor Walter: "Tara, where are you from?"

Tara Bono: "I'm with Citizens Campaign for the Environment.

Citizens Campaign for the Environment, for those of you who don't know, is an 80,000 member non-profit, non-partisan advocacy organization that empowers communities and advocates solutions to protect public health and the natural environment of our region.

Thank you again for the opportunity to provide testimony today.

CCE strongly supports increased investment and development of clean renewable energy and in particular wind energy. As most of us already know, the consumption of energy generated by fossil fuels and nuclear power seriously impact on human health, water resources, wildlife and our natural environment.

The long list of detrimental consequences from our reliance on fossil fuel consumption include but are not limited to acid rain, urban smog, higher rates of lung disease and heart failure, oil spills, contaminated drinking water, rising sea levels, and the list goes on.

Every wind turbine that goes up is another step towards a renewable and independent energy future.

Electric costs are up. Our island sewage treatment facilities are extremely high. We applaud the town of Riverhead in taking this pro-active step towards finding renewable energy sources to reduce energy cost at their wastewater treatment plant.

A project that pays for itself in just seven years with a 40% cut in energy consumption is enormous especially on Long Island where residents pay some of the highest utility rates in the country.

In general, CCE strongly supports wind power for the following reasons.

Wind power is emission free. Wind power does not require a destructive pooling process. This is especially important on Long Island. Long Island has five national grid fossil fuel plants that kill billions of fish eggs and fish larvae every year with their pooling intake process. And impingement and entrapment.

Increased use of wind power will reduce demand on these types of antiquated power plants and thereby help fish stocks recover.

Wind power, the second reason is wind power is home grown fuel. Once constructed, these facilities require no fossil fuel. That reduces our dependence on imported oil and gas, much of which come from unstable parts of the world.

Third, wind power keeps energy dollars at home. Buying coal, oil and gas sends New York dollars out of state and out of the country. In contrast, wind power provides energy independence, keeps our energy dollars local and working for us.

Investment in wind power can boost our region's growing new energy technology.

Fourth, wind power helps stabilize energy prices. By diversifying the ways that we produce electricity on Long Island, wind power can help stabilize these high energy costs.

Even a small drop in the demand for natural gas, for example, would bring down the price. This results in more price stability and lower overall energy costs.

Of course, we know that wind proposals must be carefully reviewed and sited. Renewable energy projects like any other form of electricity must go through an environmental review process and be carefully sited. We must ensure that these wind facilities are sited in a way that minimizes any impacts on neighborhoods and wildlife population.

However, any review does need to consider the adverse impacts of continuing to rely on fossil fuel consumption. Impacts can only be viewed in a meaningful perspective when they are compared to an equal amount of power generated from existing energy infrastructure.

In closing, wind power offers insurmountable and economic and environmental benefits to the local communities, the region, our state and the nation.

The CCE strongly supports the proposal and congratulates the town of their forward thinking and responsible planning.

Thank you for the opportunity to comment."

Supervisor Walter: "Thank you. Does anybody else wish to be heard on this subject? Yes, gentleman in the back."

Robert Kozakiewicz: "Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?"

Remy Bell: "I do."

Robert Kozakiewicz: "And your name, please."

Remy Bell: "Remy Bell, Riverside Drive. As a resident who would actually be impacted- if you want to use that word, which I don't think is an impact, living near the facility you are proposing, I commend the town board. I commend Mike Reichel for you know taking the lead on this and trying to find renewable ways for energy to lower the town's cost and to really get in the forefront of the problem that we have here in America. That we need to do other sources of energy and I'm really, really glad that the town is doing something."

And I think the cost, when you mentioned the cost how it's going to pay us back over time, I think that's great and I wish you had more projects like this.

Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Sir, I'm going to let other people speak first."

Robert Kozakiewicz: "Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?"

Jim Foster: "I do."

Robert Kozakiewicz: "And your name, please, for the record."

Jim Foster: "Jim Foster from Wading River. I just want to bring one thing. We mentioned here a couple of times that we're looking at saving money over the long term of the project."

I think people may look at this project 20 years from now, okay, and will probably say something like where's the money. And reason why I bring this up is what we do face right now that nobody really has accounted for, I'm certain of it, is inflation.

As inflation goes up, the price of our current usage of oil and things of that nature, they increase. But keep in mind that today's project is measured in today's dollars. Tomorrow it might be slightly different.

Keeping an eye on inflation and how much it impacts the overall cost of the project is something that you might want to take into account before you put out any final numbers. Okay? And I would recommend a curve of increasing inflation going out say 10 years from now, and you know, on an increasing scale rather than— right now we have very low inflation, at least that's what they tell us, okay.

We can hardly see it when we look at our oil bill, okay, but when you get the final cost of the project, I'd like you to take into account rising inflation of what that might impact the overall thing so that people don't get the idea that somewhere down— 20 years down the line, we were supposed to save "x" number of dollars and it was only this. Well, that was because of increased inflation.

And if we put that into the projections, you'll probably get a more honest assessment of what the cost might be.

That's all that I wanted to bring up."

Supervisor Walter: "Actually I was thinking when you— as you were saying that— it's interesting— I apologize for texting because I'm texting my department head to ask a question but here's the— when you said that, Mr. Foster, I'm thinking that the numbers would be better because LIPA's generation rates are going to increase probably outpacing inflation.

One of the things that I just asked Rick Hanley whether we have to do a SEQRA determination and we do, that was— Miss Bono triggered that in my mind so we do have to do that so there will be some sort of a SEQRA analysis and determination— "

Councilwoman Giglio: "I think they did it."

Jim Foster: "I'm sure there will be ongoing maintenance on the facilities, okay, and if the numbers are— if your project numbers are inside say the overall budget for the sewer department, other costs might rise and they may mitigate the savings that you may have made by putting out this project.

So I'm not just talking about just LIPA's rate. Hopefully, LIPA's rate will go up and we'll get more money back, but I wouldn't bank on it. So just keep that in mind, that when you look at the

overall project and you are talking about an overall budget and it's inside the sewer district, other costs may hide your savings, okay, and to keep this project in line so that you can say, well, overall this project did this. Maybe other costs made it less so when we're talking about tax increases or tax decreases in later on years, that may or may not be accounted for in an increasing inflation environment."

Supervisor Walter: "It's all based on as we discussed today, the model. Mr. Russi do you want to comment? Did we look at inflationary factors in (inaudible)?"

Peter Russi: "Yeah, we have. We figured operating costs into the entire economic model for this project.

I should mention that the great majority of the costs obviously are the bond cost for the procurement and installation of the equipment and then we will have ongoing operation and maintenance costs.

We have used high O&M costs in our modeling and we've used a two and a half percent inflation rate on that for the 25 year duration of the life of the machine.

We've also used a five percent figure for LIPA's year over year energy increase-- energy cost increase. In fact, the sewer district has experienced seven and a half to eight percent increases. So we purposely fudged the energy cost inflation rate down to make this project look worse than it will probably be, but you know-- "

Supervisor Walter: "We want to know the worse case scenario."

Peter Russi: "-- as far as the initial capital incurred, you know, the capital expense of up to one point eight, I mean that is fixed and you know we've used the town's bond calculation numbers to create the \$181,000 annual bond payment."

Supervisor Walter: "Thank you. Anybody else wish to be heard? All right, sir, you want to make one more comment?"

Daniel Karpen: "Yeah, I want to-- My name is Daniel Karpen again. Do I have to be sworn in again?"

Supervisor Walter: "No."

Daniel Karpen: "Two comments. One, if someone asks about the maintenance and the wind turbines, generally the modern machines require about one servicing a year by the company that builds them. They send a technician out to maintain them.

The second thing is. I find it hard to believe that your consultants come in, said, well, this wind turbine will generate 20 to 40% of the electrical needs for the sewer plant.

My feeling as an engineer is why don't you go for 100% of the electrical needs and moreover to eliminate the demand charges, monthly billing charges and so forth, why don't you have a wind turbine that will be-- generate more electricity than needed so you can zero out the demand charges and the monthly billing charges because they are not net metered backwards."

Supervisor Walter: "I think that they did look at that and the real issue is that when you do the calculations with the wind speed and the anemometer is not giving us the data that shows we could ever be capable of doing that."

Daniel Karpen: "Then you'd have to go to a three megawatt machine instead of a 750 kilowatt machine. That's what you are going to have to do.

The study is a good one, they did a beautiful report but if you want to totally eliminate the electric bill as a component of the operation of the sewer district, you're going to have to go probably to a three megawatt machine."

Supervisor Walter: "Thank you, sir. Does anybody else wish to be heard on this matter?"

Councilman Dunleavy: "I just have one question for Mr. Russi. Mr. Russi, just a couple questions I'd like to ask you.

You said it's 48 decimals standing underneath the wind turbine. There's a house maybe a hundred foot away and a couple more houses, two hundred, two hundred fifty feet away. Would you know what the decimal point for those houses would be from other wind turbines that you have?"

Peter Russi: "We don't know exactly what that number would be. We do not. It would-- "

(Some inaudible discussion)

Supervisor Walter: "Raise your right hand."

Robert Kozakiewicz: "Do you swear to tell the truth, the whole truth and nothing but the truth?"

Adam McCullough: "I do."

Robert Kozakiewicz: "And your name, please."

Adam McCullough: "Adam McCullough. I'll spell it for you later if you want."

Robert Kozakiewicz: "We probably need it now."

Adam McCullough: "In this study-- "

Supervisor Walter: "No. We're going with the spelling."

Adam McCullough: "It's M-C-C-U-L-L-O-U-G-H."

In this report which is you know available in this building as I understand it, there is a treatment of noise propagation from the wind turbine model which we, you know, is top of our eligibility list at this point in the analysis that we've done.

And that, you know, this is a-- noise propagation is a very difficult thing to model and so we have been conservative. We have (inaudible) due to trees in between the receptor (inaudible) or whatever you're concerned about (inaudible) and the machine generating sound. So it's not a, you know, it's not 100%-- it's not going to be 100% accurate and true to life analysis but it's on the conservative side so it will over-estimate the sound level."

Supervisor Walter: "Do we have a-- at the property line--"

Adam McCullough: "Yeah, we do."

Supervisor Walter: "Decibel reading estimate. And at property line means different things to different people because, I guess, Michael, that property line on River Road is a little bit further than at property line where-- "

Adam McCullough: "Yeah, we did work this to the nearest property line (inaudible).

Okay, so here's what came out of the analysis. This is the wind turbine model that we're mainly discussing here. Obviously this project will have to go out to bid but, you know, this is what we're working off for the minute.

Using the information supplied by the manufacturer, the sound pressure level to the nearest residential property is 48 decibels (inaudible), which is the (inaudible) corresponds to generally people's ability to perceive sound. So this is, you know, in terms of a noise nuisance, that's the (inaudible) that you use.

And then the sound pressure level closer to the base of the wind turbine is up to 55 db (inaudible)."

Supervisor Walter: "So at the property line which is in the code is 50. At the property line it would be 48 is what you're saying."

Adam McCullough: "It would be less than that at the nearest property although I don't have that figure in the report. I can furnish that if you want."

Supervisor Walter: "Okay. Thank you."

Councilman Gabrielsen: "I just want to follow up with what John said about the noise level.

Now you mentioned the facility out in Laurel. How does that compare noise-wise, would you say?"

Peter Russi: "We haven't actually measured that and we heard a comment—"

Councilman Gabrielsen: "No, no. What about the size of it? Is this bigger?"

Peter Russi: "Yes, this is a bigger machine."

Councilman Gabrielsen: "Okay. Because at that model, you get about 400 foot away, you can hear that swoosh, swoosh. So if you're looking for a line— and that's with the wind kind of blowing away.

So I'm thinking 400- you're probably safe at 500 feet. Anything closer, you're going to hear that."

(Unidentified): "There aren't any trees around that. It's wide open."

Councilman Gabrielsen: "It's wide open. (Inaudible). You understand, it's really the leaves on the trees that block it and in the winter there are no leaves. So it doesn't- it's not a big factor in the winter. As big."

(Unidentified): "(inaudible) due to vegetation in between the generator and the receptor is significant but it's difficult to model and it varies throughout the year. (Inaudible)."

To give you an idea, 40 decibels is definitely audible. Thirty decibels is kind of (inaudible). That gives you an idea."

Supervisor Walter: "I know my weed whacker says 78 decibels. That's all I know."

Councilman Dunleavy: "My question goes back- we have these 18 wheel trucks going up town roads and they're keeping people awake in their houses and I just- I'm all for wind energy and I'm all for this but I just want to do a devil's advocate here because people that live close to that are going to hear this and they're going to stay up at night and we're going to get phone calls. I know that."

I really think that we're also going to get- people are going to say that we're de-valuing their property because this turbine is next to their property. So have you had any real estate people come out or look at this and the houses that are near this, what's going to happen to those?"

Peter Russi: "I can't- we haven't commissioned a real estate valuation studies."

Councilman Dunleavy: "No, no. I'm just- "

Councilman Gabrielsen: "How many feet is the closest house?"

Supervisor Walter: (Inaudible) "Mike, what's your best guesstimate of the closest house?"

Michael Reichel: "The closest house is about a thousand feet away."

Councilman Dunleavy: "No, the one that's on your street, when you make the left turn."

Michael Reichel: "If you look at the- "

Councilman Dunleavy: "You said it's only 300 foot to River Road."

Michael Reichel: "No. I said it was 800 feet."

Councilman Dunleavy: "Eight hundred feet. Okay."

Michael Reichel: "Okay. And that would be from that guy's house to Riverside Drive. It's probably a thousand feet or better from the location at the base of the wind turbine to the closest residential- "

Councilman Dunleavy: "To that house on your street?"

Michael Reichel: "On River Avenue, yes."

Councilman Dunleavy: "Okay."

Michael Reichel: "But there's trees all the way- "

Councilman Dunleavy: "All right. I'm just- "

Supervisor Walter: "Somebody just texted me and said, marvels of modern science, is it a refrigerator whoever texted me, the sound of a refrigerator, 48 decibels. Does that sound about right?"

(Unidentified): "Yes. Well, I wouldn't want to make a judgment."

Supervisor Walter: "Right, okay."

Michael Reichel: "The noise issue is only when it's going to be running. It's not going to be running if the wind is not blowing. So when the wind blows, you have other noises caused by the wind, the rustling of the leaves (inaudible)."

I went to Atlantic City to see a treatment plant that has five 1.5 megawatt turbines on their property and I stood underneath it and as it was blown and it was at top speed which is very slow, the larger they are the slower they turn, and you couldn't hear it at all. The wind shifted the direction a little bit and you could hear it a little bit. It's like a whisper as it passes. So that was it. There was no loud grinding or anything like that. Very quiet."

Supervisor Walter: "Thank you. Does anybody else wish to be heard? Yes, miss."

Robert Kozakiewicz: "I'm going to ask you to raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?"

Susan Frohnhoeffer: "So help me God, yes."

Robert Kozakiewicz: "Okay. Very good. And your name for the record."

Susan Frohnhoeffer: "Susan Frohnhoeffer. I live on Corwell Avenue off Riverside Drive. And I brought the issue up earlier before the meeting even started with these gentlemen.

There is a windmill across the river and when it goes in certain directions, our house, you can hear it and it actually vibrates the windows and we asked them about it and they said it probably wouldn't be the same because it's an older model.

But as I'm listening here, to say 48 decibels, well, it won't be very much. But I don't know about everyone else, but when you get a constant sound, I don't care how low it is. It's kind of like your refrigerator and stuff when the power goes out, you say, oh my God, I didn't realize how much noise there was.

But when you have something that if someone is in their house and says I can just see someone saying, well close your windows and you won't hear it. In the summertime when people are living with their windows open, I don't care how- well, it's not too much noise. It's tolerable.

Well, yeah, I accept the highway noise during the daytime but at night when you want to sleep and you have a grating noise that's constant 24/7 except for when the wind blows, it might not be

acceptable after a while. And that has to be considered.

I mean like I said, the one across the river, when the wind turns in a certain direction, you can hear it. It's a whoo- whoo. And our windows actually vibrate from the windmill that's across the river.

Now this one is going to be even bigger. They said it shouldn't go around as fast, but I think it should be looked into what 48 decibels is. I mean your weed whacker, that's why we have noise ordinances that you don't do it late at night."

Supervisor Walter: "I should say it was a bad example."

Susan Frohnhoeffer: "You still wouldn't want to hear it 24/7. You still wouldn't want to hear it 24/7 and those kind of things like when you're living in your house, that's why we have noise ordinances because people really don't want to listen to it while they're trying to sleep and that kind of stuff.

So I mean I'm all for alternate energy sources because really LIPA's bills are through the roof and any way we can save is great but I think everything should be checked out to make sure that it will be acceptable.

Thank you."

Supervisor Walter: "Well, the process of construction here is going to have to be looked at from an environmental review and it may be that short environmental impact- short environmental assessment form is provided. We may have to do- Michael, we haven't really spoken about this but we may have to do some noise studies in a short EAF.

Rick, that would- would you think this would be something we would do under a short EAF? Long form? But we could do a noise survey because I think that may be something that we have to take into consideration. That's why I texted him to come over to the corner."

Michael Reichel: "Sean, there was a short form done and there was a negative declaration."

Supervisor Walter: "That was for the- "

Michael Reichel: "For the wind turbine."

Councilwoman Giglio: "They studied the birds, they studied everything I thought. Right?"

Supervisor Walter: "I'm looking at this and my interpretation of this is the short form is for the bonding, not necessarily the construction. But we'll look at it."

Michael Reichel: "Yeah, it's for the construction."

Councilwoman Giglio: "Yes."

Supervisor Walter: "We might not accept it."

Anybody else wish to be heard? Okay, I'm going to close out the public comment portion and leave it open for written comment to Friday, February 25th at 4:30 p.m. in the Riverhead town clerk's office.

And thank you very much. I appreciate it Michael."

Michael Reichel: "We'll be in the lobby for anybody who has any questions who didn't want to come up to the podium to ask."

Supervisor Walter: "Thank you very much, Michael. I appreciate that."

Public hearing closed: 8:07 p.m.

Left open for 10 days for written
comment to February 25, 2011 at
4:30 p.m.

Supervisor Walter: "Okay. We're going to go into the resolution portion of the meeting. Is there anybody that would like to be heard on just the resolutions?"

Sal Mastropaolo: "Sal Mastropaolo, Calverton."

Supervisor Walter: "Good evening, Sal."

Sal Mastropaolo: "How are you doing? 114. Should there be a statement in that resolution that the costs are going to be recovered from the developer?"

Supervisor Walter: "It gets recovered through-- Dan McCormack, I'll have you-- "

Councilman Wooten: "Resolution 106."

Supervisor Walter: "We have our town attorney here so he worked on it."

Councilman Wooten: "There is another one somewhere. Where is it?"

Councilman Dunleavy: "Sal, it's normally put on their taxes."

Sal Mastropaolo: "Shouldn't there be a statement in here that the costs are going to be recovered (inaudible). Usually there's a statement that says the costs will be billed to the developer through the taxes."

Supervisor Walter: "Well, it's not the developer. It gets put on the tax bill."

Dan McCormick: "The initial resolution regarding the referral to engineering (inaudible) for this demolition did recite that language. So we already have it in the initial resolution, that it would be borne by the developer (inaudible)."

Supervisor Walter: "All right. Do you think we need to put it in the-- well, this is the award. You don't think we need to put it in-- okay, this is the award so it was done when we adopted, okay, understand."

Do you understand, Sal? When we adopted the Chapter 54 after the hearing, this is the award contract to the contractor."

Sal Mastropaolo: "134. Is this something that would normally go out to bid? This seems like an awful expensive DJ per hour. I'm sure you can get DJ's a hell of a lot-- "

Councilman Wooten: "He's not a DJ. He's a live performer. He plays-- "

Sal Mastropaolo: "He's a live performer?"

Councilman Dunleavy: "He sings, plays guitar- "

Councilwoman Giglio: "Dances."

Supervisor Walter: "Have you seen him?"

Councilman Wooten: "He plays guitar. He's an artist."

Sal Mastropaolo: "Okay. I'll take my comment- "

Supervisor Walter: "Have you seen the way the seniors react to- "

Councilman Wooten: "You're almost old enough to go there, you know."

Supervisor Walter: "Mr. Parris is very well received with the seniors."

Sal Mastropaolo: "Okay, one other question. Is there a minimum number of hours or is it just straight hourly?"

Supervisor Walter: "I think it's straight hourly. He's called in as needed."

Sal Mastropaolo: "Okay. 135."

Supervisor Walter: "Judy, do you have- he's as needed, right? Yes. Yes."

Sal Mastropaolo: "135. On the second page, the last Now Therefore Be It Resolved, line #5, actually start on line #4. It says- "

Supervisor Walter: "Second page, hold on. This is on the actual agreement?"

Sal Mastropaolo: "Yeah, the resolution."

Councilman Wooten: "Second page of the resolution- "

Sal Mastropaolo: "The second page, the Now Therefore Be It

Resolved, the line that starts with 3.8% cost of living increase in an equivalent of hours. Can you explain what that means?

I mean when I read it I get the feeling that what they're going to do is they're going to take the cost of living increase but they're not going to work so many hours so that you save the equivalent of the increase. Which means they're giving you less in actual work."

Robert Kozakiewicz: "I understand the intent was to have a trade off and that the trade off would be the individuals who are going to be signing onto this agreement in providing for this will be giving up 3.8% of what they would otherwise be entitled to earn per paycheck and that the trade off or the what they were giving back was 10 days of additional time, which may or may not be able to be utilized. So they are actually going to receive a paycheck which on \$100 would be 3.8 dollars less."

Sal Mastropaolo: "But not for the same number of hours."

Supervisor Walter: "No, I think-- "

Sal Mastropaolo: "Because they're not working-- "

Robert Kozakiewicz: "No. The 10 hours is something that is going to be a give back in return for the pay stub reflecting a 3.8% decrease (inaudible)."

Supervisor Walter: "We are obligated to give them 3.8% under the previous administration's contract. Am I explaining-- well, we don't have-- we are obligated to give them 3.8%."

Councilwoman Giglio: "That's in the third paragraph. It explains it."

Supervisor Walter: "Meg, do you know how-- can you explain this in a way? Our personnel director. See if-- "

Meg Ferris: "The intention is everybody is going to be docked a certain amount of hours per pay period but were still going to work the same amount of hours. So in effect we're getting paid less for doing the same amount of work and at the end of the year it's going to equal 10 working days or-- and that comes out roughly to be 3.8% of our salaries that we will be giving up."

Supervisor Walter: "So you're giving up 10 days?"

Meg Ferris: "Right. But we're actually working them but we're giving up 10 days of pay."

Supervisor Walter: "Does that make sense?"

Robert Kozakiewicz: "Well, I think that was the amount that was determined to be the equivalent. It's as if 10 days were being given up or 3.8% of the total salary."

Sal Mastropaolo: "I just want to make sure that if an employee is supposed to work 35 hours a week-- "

Robert Kozakiewicz: "No. They're still going to be required-- "

Sal Mastropaolo: "-- for so many weeks a year, he's still going to work that many hours-- "

Robert Kozakiewicz: "That contract provision says the same or that agreement with that employee if there is a contract, I mean a resolution type approval and it states that they shall work no less than 35 hours per week or they shall work no less than 40 hours per week, they'll still be required to submit time payroll for those applicable periods for those times.

They're not-- it's not as if that's going to be an excuse time that they don't have to work. They're still going to be required to work the same minimum work hours per week or for two weeks-- "

Sal Mastropaolo: "The same number of weeks per year?"

Robert Kozakiewicz: "Correct."

Sal Mastropaolo: "Okay. That was my concern."

Supervisor Walter: "It's confusing, Sal. There is going to be a change because I'm going to offer-- it's confusing because some of this was done-- some of this language was done by the prior administration for another lag they did which really wasn't a lag. It seems the town used to pay people in advance. We would pay them for weeks-- the work week would end-- if I'm saying this right."

Councilman Wooten: "They would get paid on a Thursday which the week didn't end until Saturday."

Supervisor Walter: "Until Saturday- Saturday or Sunday."

Councilman Wooten: "I think Sunday starts a new week."

Supervisor Walter: "So we paid them in advance so there was a lag and some of this language is not clean but there is something on paragraph 4 of the actual agreement that I want to be very specific.

Paragraph 3 of the actual agreement. If you look at the last line of paragraph 3, something that I was very specific, I said to- they want to tie their raise- they want to tie raises to the SOA contract and I said- Superior Officer's Association contract, and I said we wouldn't tie raises to what they might receive in binding arbitration.

We offered the SOA one percent or two percent, whatever we offered the SOA and they refused. That's all that the department heads would receive and I want to clean this language up. I was very clear about this with them. And because I don't want the department heads to be tied to binding arbitration.

So for the town board after- where it says, it's a long run on sentence here, we'll start from Long Island for the base period 1982-1984 equals 100 or/and- I don't know why it's that way, no less than the cost of living increase and/or salary increase and then it's going to say offered to the SOA by the town board."

Councilwoman Giglio: "And not a result of binding arbitration."

Councilman Dunleavy: "I thought that was clear the last time we had a meeting. It was supposed to be changed the last meeting we had. I guess someone- no one changed it."

Supervisor Walter: "Well, it's changed but I don't know that it- whichever is greater. All right. Does that make sense for everybody?"

So we're taking off set forth in the SOA contract, Diane, and we're putting in offer to the SOA by the town board and not a result of binding arbitration and back to whichever is greater.

I want to be clear. We're not tying their contracts to binding arbitration."

Sal Mastropaolo: "Okay. Well, I don't-- the changes you're making now probably don't refer to the specific section that I was talking about. But just keep in mind that there were three resolutions in a row that had the same type of verbiage so make sure that the changes that you're making now don't also refer to any of the other two."

Supervisor Walter: "We have to do the same thing in-- "

Sal Mastropaolo: "136 and 137. And I'm not sure which ones."

Supervisor Walter: "They're all the same. Two. Two. And that would be the same. Do you have it, Diane? Resolution 136, paragraph 3. Look for that 1982-'84 (inaudible) and go to the following page and where it says set forth in the SOA contract, you're going to remove that and put in offered to the SOA by the town board and not as a result of binding arbitration."

All right."

Councilwoman Giglio: "You missed a typo, Sal."

Diane Wilhelm: (Inaudible)

Supervisor Walter: "Whichever is greater. Yes."

Councilwoman Giglio: "On the third paragraph, fourth line, it says lay pay instead of lag pay. The first page, the third Whereas, the fourth sentence, it says lay pay instead of lag pay."

Supervisor Walter: "Okay. Does anybody else wish to be heard on the resolutions? Nobody wishing to be heard, hey, George, how are you going? Sorry I didn't see you coming up."

George Bartunek: "Good evening. My name is George Bartunek. I'm vice-president of the North Fork Environmental Council, a resident of Calverton."

And I wish to read a statement in support of Resolution 139. This resolution is the resolution which would hire an outside counsel, a law firm, to pursue the litigation regarding Kar McVeigh,

the Jamesport Manor Inn.

And what I will do is I will read a letter that was submitted into the News Review into the public record. This is in response to the court decision that was made by Judge Cohalan.

The court decision concerning land use recently recorded by the News Review require response by the North Fork Environmental Council. The New York State Supreme Court determination in question basically undermines the town of Riverhead's independence and ability to enforce its own zoning regulations.

The News Review article of January 6th reported the determinations of Supreme Court Judge Peter Cohalan requires that the town must reverse its decision to dismiss the application by the Jamesport Manor Inn to expand its operation to include catering.

In this article, Supervisor Sean Walter is quoted as saying that Riverhead has quote no choice but to appeal the Supreme Court decision. It doesn't make for good law or good precedent. It needs to be appealed. Unquote.

A follow up article on the matter that was printed in the News Review of January 20th implies that even though the town has filed a notice of appeal of the court's verdict, the town board may not actually proceed with the appeal.

The North Fork Environmental Council believes the town of Riverhead has an obligation and a responsibility to follow through with an appeal in order to defend its ability to enforce its zoning regulations and to protect the quality of life for Riverhead's residents and those-- that those zoning regulations were crafted for.

The court determined that the catering is a quote permitted incidental and customary accessory use to the permitted restaurant. Unquote. And that not allowing this expansion of commercialism in the town's agricultural protection use zone would result in a financial hardship of the owners of the restaurant.

However, finding that the proposed catering facility does not change the basic nature of the use of the property to us-- is to use Judge Cohalan's own words an arbitrary and capricious determination.

The town's position that allowing the construction of a catering facility adjacent to the restaurant is by definition expansion of a pre-existing non-conforming use, must be sustained if the town's own zoning laws are to have any meaning.

The principal owners of the Jamesport Manor Inn, Matt and Gail Kar, are well liked, highly respected members of the community and have donated generously to the North Fork Environmental Council.

Regardless, it would be irresponsible of the North Fork Environmental Council not to support the town's intentions to appeal the court's decisions. Therefore, the NFEC does support the adoption of Resolution 139."

Supervisor Walter: "All right. I'm going to just give you and the board- the town attorney's office has given me a legal memorandum and basically a case.

The town board is required under case law from the New York Court of Appeals to provide counsel to the zoning board and the planning board. It is appropriate for us as a town board to adopt this resolution 139 because it sends a clear message to our counsel that we support their efforts in this.

In the event that we don't adopt this resolution, the zoning board and the planning board have their own counsel and will continue the appeal and the town of Riverhead will pay for it because I have no choice. The town attorney has told me in a written legal opinion and the case has been presented to me and the town has the requirement to provide them with counsel.

And the problem here is we don't want to send mixed signals. I'm not asking anybody to weigh in on whether this is an appropriate- the merits of the appeal, the attorney has spoken to us on numerous times in executive session.

I just want the board to understand that when we receive bills from our outside counsel for the zoning and planning board, they will be paid regardless of whether we adopt this. So we should provide a clear message. Do the appeal and perfect it and we will work to do what we have discussed at- in executive session.

So I say that. I don't know- does anybody else want to discuss resolutions?"

Phil Barbato: "Good evening. My name is Phil Barbato. I live on Manor Lane, not too far from the Manor Inn. And I'm quite relieved, Supervisor Walter, to hear what you just had to say.

I couldn't agree with you more that the town needs to be unified on this because this really does threaten our ability to govern ourselves. And we need to speak loud and clear with one voice. We have so far and I think we should continue.

I think that— oh, I wanted to mention also one of my neighbors was here earlier, Joseph (inaudible). He had to go and pick up his wife who works the night shift. He asked me to mention his name and represent him also.

As a resident of Manor Lane, I'm speaking— and I'm also a member of the Riverhead Preservation Coalition which has a position on this which you'll hear about.

I think it's very important that we stand against this judgment as it would— first of all, it would set a very bad precedent. The ideas in that judgment as I read it about pre-existing, non-conforming use just go against everything I believe.

This is a pre-existing, non-conforming use that really shouldn't even be there in the first place since it was allowed to lapse. That's history. Now to double it, triple it, quadruple it in size would be a terrible travesty and I think that's a bad idea.

And if you think windmills make noise, you should live next to a catering hall.

Second, I think it would take away from, like I said the town's ability to determine its own land use future. This is our town, not Judge Cohalan's.

Third, I think it would weaken the protection of the agricultural protection zone. How long will it be before another pre-existing, non-conforming use, restaurant, whatever, within the agricultural protection zone wants to do the very same thing?

And, finally, I think it would reduce the quality of life and the property values for the surrounding neighbors, myself included. MY business depends on purity of the area, purity of the soil and a rural surrounding. I grow organic vegetables. People come there

for quietude and they come there for the purity of the place and that would affect my property values."

Supervisor Walter: "I'm not quite sure. Quietude, is that like what's the one, gynormous, my son uses? We're writing that down."

Phil Barbato: "It's gynormous quietude. And as has already been said more eloquently than I could by George, we need-- the town needs to defend its own rights here. And there have been very firm and very unambiguous decisions that have come out on the Manor Inn, first from the zoning board which as dismissed the case, and also previous to that, the town board in their conditions that were placed on the special permit that was issued.

That special permit did not allow any expansion outside. They allowed a 50% increase in seating but no outside construction, no outside tents. This would be against the wishes of the town and I think we should defend ourselves."

Supervisor Walter: "Thank you, sir."

Councilwoman Giglio: "I'd like to say something in response to your comments in that when the zoning board gave them the permission to occupy the restaurant as a restaurant, the pre-existing use had expired. It had abandoned. So this property was zoned residential and the zoning board in 2004 decided to allow a restaurant use.

And you know it's very difficult up here to make decisions. I was prepared to vote no to appeal the application this evening and now I'm told that there's a memorandum of law that has come from our town attorney that is citing actual case law that says that we must represent the zoning board of appeals and whether I vote yes or no or whether we decide to appeal it or not, I mean I don't even know why the resolution is in the packet.

So now I will be abstaining."

Phil Barbato: "Well, the zoning board actually ruled that the owner had not intended to allow the use to lapse which as far as I can tell is not in the law."

Councilwoman Giglio: "That doesn't matter. The use lapsed--

the town board in my opinion should have sued the zoning board when they made that a restaurant use, once again, when it was residential."

Phil Barbato: "Thank you for your (inaudible)."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Thank you. Dominique."

Dominique Mendez: "Taller than I am. Dominique Mendez, Wading River, Riverhead Neighborhood Preservation Coalition."

I'd like to say a few words on the same issue. Judge Cohalan's ruling on the Jamesport Manor Inn case was a bad and even dangerous decision. Riverhead planning's determination that a catering hall and a tent were an expansion of a pre-existing, non-conforming restaurant and could not be approved without a special permit was a logical determination based on zoning and town procedures.

In contrast, the recent court ruling was based on the assertion that a catering hall is an incidental accessory use that does not change the basic nature of the property. So a large building to house private events that attracts hundreds of people to party at one time is not significantly different than a restaurant.

I think many, many people would disagree, especially the immediate neighbors who will bear the brunt of the commercialization of their beautiful rural neighborhood and the taxpayers whose money paid to preserve the surrounding land on Manor Lane.

Furthermore, although Judge Cohalan's decision actually acknowledged that the overriding goal of zoning is the eventual elimination of non-conforming uses and that a court cannot substitute its judgment for that of any board by basically ordering the town to approve the site plan for a catering hall and tent in the APZ zone off Manor Lane, he seems to have made a ruling that contradicts these basic zoning and law principles, the same ones he cites in his own ruling.

If the town does not appeal this judgment, then it will be tantamount to sending out an invitation to any business with a restaurant to build a catering hall even if it's smack dab in the middle of homes and it will go a long way towards eroding the town's

ability to enforce its own zoning.

And I'm sure that's not what this board wants. And I urge and trust that you will appeal this decision.

Thank you very much."

Supervisor Walter: "Thank you. Does anybody else wish to be heard? Okay, there-- oh."

Frank Blangiardo: "Good evening."

Supervisor Walter: "Good evening."

Frank Blangiardo: "Frank Blangiardo."

Supervisor Walter: "You don't have to-- this is just comments on resolutions. Don't swear at us."

Frank Blangiardo: "Frank Blangiardo and I own 40 acres directly across the street from Matt Kar and his wife's restaurant. They were my neighbors down on Nassau Point for 18 years. They are lovely people. I enjoy them, they are hard workers and I hate to see decisiveness between my neighbors but, Miss Giglio, how are you? My name is Frank Blangiardo. I have a law firm on the north fork for the last 20 years.

And this judge is Peter Fox Cohalan and as Mr. Kozakiewich and Sean Walter know, we have to use his middle name Fox or else he escorts you-- has you ushered out of the courtroom.

I don't even believe he probably even read this decision. It was probably done by his secretary Dan Murphy, I bet dollars to doughnuts.

I have some appeals that I'm working on right now. I do that type of work in the First Department where I'm from. The Second Department here on Long Island and also I'm arguing one in the Third Department. So I'm very familiar with the field, practicing almost 25 years now.

And, Miss Giglio, because you mentioned you were going to abstain, before you did I wanted to give my comments. If you would just hold off on that abstention until you hear my comments.

I agree with what's been said with my neighbors. However, I've gone through my life savings after you enlarged from 80 seats to 120 seats and I thought that was top (inaudible), they were done. Then I bought 40 acres across the street and I preserved 37 and a half out of 40. I moved the barn which has a (inaudible), I took to the Supreme Court, everybody said I was crazy. I got a zero (inaudible) footprint and I have my commercial horse boarding operation. I'm very happy there.

And, however, I relied on the town's decision to limit him to 120 seats. If I thought that I was going to have a ferris wheel across the street from my farm, I would have went- I had other options and as I say, the preservation was \$4,750,000 to purchase the farm and the town was great, they gave me \$80,000 an acre. I'm not telling any tales out of school, it's just to let the people know what's going on.

Because, hopefully, other people will preserve farms. There's one immediately to the north that Charlie Cuddy is working on that they're talking about a lot of development going to the south that goes all the way to the Main Road. I would much rather- "

Supervisor Walter: "Which farm is that?"

Frank Blangiardo: "On- there's a young fellow, he's about 80 years old, has a place that goes right up to the Main Road."

Supervisor Walter: "Okay."

Councilman Gabrielsen: "Is that (inaudible)?"

Frank Blangiardo: "I think Dave Stypes (phonetic) had sold it to a fellow and there was a lot of litigation going on with that as well."

Supervisor Walter: "Okay, go ahead."

Frank Blangiardo: "I'm sure you know that one. So, Miss Giglio, I hate to point you out- "

Councilwoman Giglio: "That's okay."

Frank Blangiardo: "-- but you see here's a guy that came in with all the right intentions and I preserved the farm but I

wouldn't have done it, you know, you allowed him to go from an 80 to 120 seats but, you know, I'm out- "

Councilwoman Giglio: "The problem- the thing that I have a problem with and you being an appeal attorney and being familiar with the case law, is that he went to the zoning board for a residential piece of property, it was residential, the use had already been abandoned for more than a year, it was residential. And he said I want to- well it's APZ but residence is permitted, businesses are not.

So he went and he said- let me ask you a question. How do you change from allowing a house to be permitted to having a restaurant? Can you do it through any other way other than a use variance or a change of zone? A use variance. So that gave him the right to use the property as a restaurant."

Supervisor Walter: "Jodi, he doesn't have a use variance."

Frank Blangiardo: "It is a restaurant. It is a restaurant- "

Councilwoman Giglio: "That's the only mechanism to get it changed."

Supervisor Walter: "No, he doesn't have a use variance."

Frank Blangiardo: "He has a restaurant."

Councilwoman Giglio: "But he has- anyway, so that's my predicament in that we have a business owner, a very successful business owner, that came to the zoning board and said, can I use this as a restaurant, knowing that catering is accessory to a restaurant. And the zoning board gave him the use of a restaurant.

So he spends \$800,000 buying the house. He spends another \$800,000 in fixing the Inn. With a restaurant you can never, from what I can see for a business plan, get that money back."

Frank Blangiardo: "Yeah, unless you put a tremendous big box in your backyard and then you might be able to sell- "

Councilwoman Giglio: "Which we permit in the town of Riverhead with a restaurant."

Frank Blangiardo: "He has another restaurant on the Main Road. Based upon Judge Peter Fox Cohalan's decision which I believe has a lot of interesting points and I believe that there will be-- the law firm will be able to succeed on this appeal and the town."

Councilwoman Giglio: "Okay. That's your opinion."

Frank Blangiardo: "It is my opinion-- "

Councilwoman Giglio: "Yes."

Frank Blangiardo: "-- and I charge people for my opinion and people ask me for my opinion letters and they use them to get financing, etc.-- "

Supervisor Walter: "The difference is here at the board, everybody gives us their opinion now. I'm sorry, I digress."

Frank Blangiardo: "So, Mr. Kar has a restaurant, eight tenths of a mile away, right next to the town hall where we have meetings there as well, he could put-- he's got a big backyard with boats back there.

He could put another, if you want to cite this decision if you let it stand, he could put another catering hall on the Main Road, Town and Country Kitchen."

Councilwoman Giglio: "If he had the room for the setbacks on the parking and he has the seating with the Suffolk County Department of Health Services based on the acreage, yes, you're right, he could."

Frank Blangiardo: "Do you think every restaurant, Miss Giglio, whether-- even in the agricultural protection zone, if they have the parking and the setbacks, they should have a catering hall, if they'd like?"

Councilwoman Giglio: "Yes, I do. I believe in property rights. Absolutely."

Frank Blangiardo: "Well, I believe, you know, I believe in property rights, too. I just don't believe everyone should be able to put catering halls in the agricultural protection zone."

Councilwoman Giglio: "Okay, well, I don't think that it ever should have been a restaurant. I think that the zoning board should have said no, you can't have a restaurant here. It's zoned residential. The master plan just got changed six months ago that said that they wanted to see this site residential and they gave them the restaurant use."

Frank Blangiardo: "But like Mr. Dunleavy had mentioned earlier, there are people with little homes next to propellers that are 200 feet you know making noise when they are trying to sleep. I bought 40 acres, invested my life savings based upon this town's expansion from 80 to 120 seats, that was after it was a restaurant. That was after his expansion was allowed. That was after he was granted a special permit. Otherwise I don't put my money and I don't preserve 40 acres (inaudible)."

Supervisor Walter: "Our town."

Frank Blangiardo: "Yeah, but I'm from Southold town. So, you know, I could preserve—"

Councilwoman Giglio: "I understand what you are saying. You know, I have not gotten any sleep for the last two weeks with this resolution in the packet."

Frank Blangiardo: "If you want to encourage preservation, you're going to have to back up the people that are willing to come in and plunk down their hard earned life savings to preserve farms because if they think that people are going to pop up Villa Lombardi next to their organic farms like (inaudible), no one's going to do that."

Judge Cohalan references Martha Clara which is totally off the wall and Judge Cohalan is (inaudible), believe it or not."

Supervisor Walter: "Let's not go down that road."

Frank Blangiardo: "He's been on the bench for a long time, Peter Fox Cohalan."

Councilwoman Giglio: "I have spoken to other judges, I have spoken to attorneys that represent ZBA's in other townships, I have spoken to a lot of people and done my homework in order to be able to make this decision tonight."

I take this job very seriously. I don't believe in wasting taxpayers money on litigation that I don't think will have a positive outcome for the town and I believe that Mr. Kar has a wonderful business as you stated with the restaurant and he buys everything locally, and I don't think that he would have invested all of that money into the restaurant from what he has said to me before I took office, that he would not have spent all that money if he had never intended to have catering and catering was always a part of every application that he has ever submitted to the town."

Councilman Wooten: "So I take it you're going to vote, you're not going to abstain then (inaudible)."

Councilwoman Giglio: (Inaudible)

Supervisor Walter: "Can we move to the next? Mr. Blangiardo, thank you very much.

Would anybody else like to speak on the resolutions? Nobody getting up, let's take up the resolutions. Diane."

Resolution #105

Councilman Dunleavy: "Department of Justice J.A.B./Youth grant budget adoption. So moved."

Councilman Wooten: "And I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #106

Councilman Wooten: "Resolution for a budget adoption map 600-11.2.1-181, 182, 183, 184, 185, 186, 187 and 188, Chapter 54. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #107

Councilman Gabrielsen: "Sewer district equipment budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "This is for a much needed backhoe over at the sewer district. So I vote yes."

The Vote (Cont'd.): "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. I said we were going to start making budget adjustments and we are. I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #108

Councilwoman Giglio: "Riverhead water extension No. 89 at Calverton Navy grant budget adoption. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #109

Councilman Dunleavy: "Appoints temporary secretary to the Board of Assessment Review. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is needed for our taxes-- "

Supervisor Walter: "Tax assessment grievance period."

Councilman Dunleavy: "-- the grievance."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #110

Councilman Wooten: "110 authorizes the filing of an application for New York State Assistance from the household hazardous waste State Assistance program and signing of the associated State contract, under the appropriate laws of New York State. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #111

Councilman Gabrielsen: "Supports and endorses pursuit of funding for downtown ice rink facility. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "This is funding, We're looking for some grant money for the synthetic ice rink that we're looking to put downtown. So I vote yes."

The Vote (Cont'd.): "Wooten, yes; Dunleavy, yes; Walter, yes.
The resolution is adopted."

Resolution #112

Councilwoman Giglio: "Resolution calling public hearing regarding increase and improvements to the facilities of the Riverhead water district well No. 16-1. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "On this one we now have a capacity of 1380 gallons per minute and we're looking to upgrade it possibly as high as 21-- 2,100 gallons per minute. It's like a 50% increase in volume so it's definitely something that we will need down the road.

So I vote yes."

The Vote (Cont'd.): "Wooten, yes; Dunleavy, yes; Walter, yes.
The resolution is adopted."

Resolution #113

Councilman Dunleavy: "Awards bid for street light and traffic signal maintenance repair parts. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #114

Councilman Wooten: "Awards the bid for Chapter 54 demolition of unsafe structure located at the Knolls of Baiting Hollow, 1411, 1311, 1211, 1111, 1410, 1310, 1210, 1100 Bluffs Drive, Baiting Hollow, New York. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #115

Councilman Gabrielsen: "Authorize town clerk to publish and post notice to bidders annual materials and asphalt procurement contract. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #116

Councilwoman Giglio: "Authorizes town clerk to publish and post the attached notice to bidders for 2011 annual construction contract. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #117

Councilman Dunleavy: "Authorize the town clerk to publish and post notice to bidders for entrance to Calverton Enterprise Park recreation facility. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "This is for the park out at EPCAL. We're going to have this striping done on Route 25 and we're going to have the east and west entrances done. So, yes."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "Sorely needed. Yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "It's about time. Yes."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "Get her open. Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #118

Councilman Wooten: "118 authorizes the town clerk to publish and post the attached notice to bidders for the 500 gallon above ground oil tank installation and 1,000 gallon underground oil tank removal located at the Henry Pfeifer Community Center, Calverton, New York. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #119

Councilman Gabrielsen: "Authorize the town clerk to publish and post the attached notice to bidders for the irrigation systems maintenance contract. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #120

Councilwoman Giglio: "Authorizes the town clerk to publish and post the attached notice to bidders for the Stotzky Park multi-purpose field project. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter."

Supervisor Walter: "Nice work, George. Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #121

Councilman Dunleavy: "Amends 2011 salary resolution. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #122

Supervisor Walter: "Jim, I think we had talked about tabling this."

Councilman Wooten: "122 calls for a part time animal control officer to be hired tonight.

I'd like to move to table this in light of other actions that might be taking place.

So, can I move to table?"

Councilman Gabrielsen: "Okay, and second to table."

Supervisor Walter: "Moved and seconded as to table."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution has been tabled."

Resolution #123

Councilman Gabrielsen: "Terminates employment of a temporary employee. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "We are going to sorely miss her. She did an excellent job when she was here. So, yes."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "Yes. This is the town board liaison that filled in while Donna Zlatniski was out, Linda Hulse, she did a great job and she will be missed.

I vote yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "I feel the same way as Councilman Wooten. She did a great job as our coordinator and she will be missed.

I vote yes."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "Couldn't we use a better title than terminates? She did a great job. Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #124

Councilwoman Giglio: "Reinstates an employee to active status. So moved.

Councilman Dunleavy: "Oh, so moved. Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "Welcome back to Donna. Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is why we had to terminate the other one because Donna is coming back.

I vote yes."

The Vote (Cont'd.): "Walter, yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #125

Councilman Dunleavy: "Appoints a call in personnel for the Riverhead youth bureau/recreation department. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #126

Councilman Wooten: "Appoints a call in recreation supervisor to the Recreation Department. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #127

Supervisor Walter: "I think- Jodi, do you- "

Councilwoman Giglio: "I want to make a motion to table this resolution."

Councilman Wooten: "Which one?"

Councilwoman Giglio: "127."

Supervisor Walter: "We've got to find out some more information."

Councilman Gabrielsen: "Okay. And I'll second the motion to table."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Supervisor Walter: "We've got to make some determinations and-- "

Councilman Wooten: "Yes."

Supervisor Walter: "It's not a-- "

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution has been tabled."

Resolution #128

Councilwoman Giglio: "Awards bid for disposal of Town of Riverhead municipal solid waste. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #129

Councilman Dunleavy: "Awards bid for removal of household hazardous material. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #130

Supervisor Walter: "I'd like to withdraw this one. Jim Saladino has withdrawn his name. Can I get a motion to withdraw it?"

Councilman Wooten: "I make a motion to withdraw 130."

Councilwoman Giglio: "I second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is withdrawn."

Resolution #131

Councilman Gabrielsen: "Authorizes the supervisor to execute a license agreement with East End Oysters to allow the installation of floating upweller system (FLUPSY) in East Creek. This was John's. So moved."

Councilwoman Giglio: "You want to second it, John? I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #132

Councilwoman Giglio: "Amends the terms of Resolution #29. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #133

Councilman Dunleavy: "Authorize the Supervisor to execute a license agreement with Broadcast Music, Inc. (BMI). So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #134

Councilman Wooten: "This authorizes the Supervisor to execute an agreement with Thomas Parris. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #135

Councilman Gabrielsen: "Resolution authorizing the Supervisor to enter into and execute an agreement to amend terms and conditions of employment for all non-contract department heads, management and such other employees not provided under CSEA, PBA and SOA contracts, as amended. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded as amended. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, no; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #136

Councilwoman Giglio: "Resolution authorizing the supervisor to enter into and execute an amendment to the employment contracts for such department heads, management and such other employees with employment contracts whom are not provided under CSEA, PBA and SOA contracts, as amended. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "I would just like to thank all of our department heads and all of our non-union employees that did give back as all of us had and thank them all for taking in the spirit of this tough economy and giving back because we know it hits your wallet, so thank you and yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, no; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #137

Councilman Dunleavy: "Authorize the release of cash security for Splish Splash Adventure Land, Inc. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #138

Councilman Wooten: "Awards bid for Project No. RDWD 10-30 interim and permanent treatment at Well No. 17-1 Contract G- general and mechanical construction Contract E electrical construction Riverhead Water District. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #139

Councilman Gabrielsen: "Authorizes the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski LLP to act as special counsel and authorizes the Supervisor to execute a retainer agreement. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, abstain; Gabrielsen."

Councilman Gabrielsen: "I recuse myself."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "I did read the case law on this, it's Section 65 of the town code which actually we have a duty as a town board to support not only our zoning that we put in place but our zoning board of appeals in decisions that they make."

Politics and personalty aside and wanting to make people whole in the community, but the bottom line is that those that live here really have to live by the zoning that we put in place. If we don't like it, we change the zones. We don't (inaudible)."

Councilwoman Giglio: "That's what we did."

Councilman Wooten: "So I am going to vote yes (inaudible)."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "I was torn with this one and after speaking to numerous people and our ZBA counsel, if we voted this down he would just take up the cause for the ZBA.

It would cost us more money, I was trying to save the taxpayers money by negotiating but it would cost us more money because he hasn't been with this case all along as this firm has. So he would have had to go back and do research and all this stuff so it would have cost us more money to vote this resolution down, so for the taxpayer. And I'm for saving the taxpayer money.

So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #140

Councilwoman Giglio: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 37 entitled Retirement of the Riverhead town code, Article II. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is again saving money if we get some people to retire."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #141

Councilman Dunleavy: "Authorize the town clerk to publish and post a public notice to consider a local law to amend Chapter 37 entitled Retirement of the Riverhead town code, Article III. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes, and again for the same reason as the last one."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Supervisor Walter: "Before we go into that, I just- quick explanation. There's three of these. One is for the department heads, one is for the CSEA, and one is for the PBA. So we have to do them separately. We tried to combine them but found out separate is the way we have to do it. So that's why there's three in a row."

Resolution #142

Councilman Wooten: "Never offered this when I was a policeman."

Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 37 entitled Retirement of the Riverhead town code, Article IV, which deals with the PBA. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Again for the same two reasons. Yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #143

Councilman Gabrielsen: "Authorize the town clerk to publish and post request for bids for trouble shooting, maintenance and repair of BIF Honeywell equipment for the Riverhead water district."

So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #144

Councilwoman Giglio: "Authorizes the town clerk to publish and post request for bids for trouble shooting, maintenance and repair of Foxboro equipment for the Riverhead water District. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #145

Councilwoman Giglio: "Authorizes the town clerk to publish and post request for bids for PLC trouble shooting, maintenance and repair for the Riverhead water district. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #146

Councilwoman Giglio: "Authorizes the town clerk to publish and post request for bids for PLC programming/integration for the Riverhead water district. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #147

Supervisor Walter: "Before we take this up, I'm not going to amend this, but we had a meeting with a group that wants to put on a Mardi Gras this summer and it's moving very quickly and- yeah, it's going to be pretty neat, and the prices came in, the BID board is probably- we have to adopt this so the BID can move forward with what they have but I don't really want to steal the BID's thunder but I'm going to.

We may have- do something a long those lines, a Mardi Gras this July or when they pick the date, so it should be exciting. It will be a nice big festival.

So that's going to possibly change this."

Councilman Wooten: "It's not reflected in this budget, is that what you're saying?"

Supervisor Walter: "It's not because the stuff happened Monday, Tuesday and Wednesday of this week- Monday, Tuesday of this week."

Councilman Wooten: "Well, they can save money on (inaudible).

Authorize the supervisor to execute an agreement with the Riverhead Business Improvement District Management Association, Inc. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "I've got to say one thing. You've got to love this new BID we have, they're great. Yes."

The Vote (Cont'd.): "Wooten, yes; Dunleavy."

Councilman Dunleavy: "I'm going to vote yes but I still- the Lion's Club has been putting on a great downtown for the last 60 years and the BID has never contributed to it and I think that they're building a Santa's house for ten thousand and a holiday bonfire for two, that's twelve thousand. At least they could give something to the Lion's Club for their parade. They do it the first Sunday of every December.

I'm just upset but I'm voting yes for the other projects."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "Yes. And I could see shifting some of the Santa house money and I'm with you. We'd like to combine- we'd like- I don't want to say combine. I'd like to give reverence to the Lion's Club and the BID Santa bonfire."

Councilman Wooten: "Actually it would be a good event if we do them both."

Supervisor Walter: "There you go."

Councilman Wooten: "You'd have to move yours down to the second Sunday."

Supervisor Walter: "Did I vote yes?"

Diane Wilhelm: "Yes, you did. Resolution adopted."

Resolution #148

Supervisor Walter: "Pays bills. Jodi, you have to offer it."

Councilwoman Giglio: "Pays bills."

Councilman Dunleavy: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "Okay. Now we open the public portion up to anything on your mind. We ask you to limit it to five minutes if

you can and please step up."

Helga Guthy: "I'm Helga Guthy from Wading River, tonight actually representing the Community Advisory Council at Brookhaven Lab.

This is in regard to that woman that spoke about all the pollution and was worried about the community garden being polluted from the Peconic River.

When our Community Advisory Council heard some of the information and also some of the lab personnel, they asked me to come and speak to the town board and to whatever residents- "

Supervisor Walter: "Well, Miss Guthy, next time in the future, because you are our representative, just ask us in the beginning. I won't make you wait. You can give that report when we give our Reports."

Helga Guthy: "Okay. Well I- officially- "

(Inaudible comment)

Supervisor Walter: "I thought she was our representative. We'll still move you up. We won't hold that against you."

Helga Guthy: "Yeah. Because Bob Conklin represented Riverhead town and he passed away. So that was another thing, they had actually asked me to see if you would have anyone else in mind- "

Supervisor Walter: "Actually, I thought that we talked about having you do it, so- go ahead, I'm sorry. I digress. Hey, watch it there, Wooten."

Helga Guthy: "Well, like I said. I appreciate the opportunity to come here tonight but I do want to clarify the fact that there has never been pollution this far, you know, into Wading River- into Riverhead town.

And that they wanted me to invite everybody because these community advisor council meetings are open to the public. They have a chance to ask questions and speak. If they're worried about any conditions, they're certainly welcome to come. They're held the

second Thursday of every month at 6:30 at Berkner (phonetic) Hall. All they need is their driver's license and tell them where they're going and they're welcome to come.

Also, the bnl.gov web site has an awful lot of information. The lab has done so much over the past 10 years to get rid of whatever pollution they have. They're probably the cleanest place on Long Island right now.

So, you know, I hate to see anybody either worry or deliberately try to blacken their name because they have gone out of their way to get us experts to come when we didn't believe what they said. They brought in other people to our meetings and really done more than you would think that they would need to do to make sure that we know what's going on over there.

And they've been, I think, very forthcoming with everything."

Councilman Wooten: "Actually I believe on March 4th they have a state of the lab address they're going to do on March 4th. It's a breakfast in the morning I think. It's going to be a great time."

Helga Guthy: "Yeah, okay. I just wanted to say that please anybody that has any concerns to really contact the lab or come to one of our meetings."

Supervisor Walter: "Thank you very much. Appreciate it."

Councilman Wooten: "Thank you. Who is this guy?"

Sid Bail: "Sid Bail, First Vice-President of the Wading River Civic Association. At the last town board meeting, we-- a group of us presented a letter to the supervisor and members of the town board concerning pending commercial development in Wading River along Route 25A through western Sound Avenue corridor.

I just want to briefly for those of you in the audience who haven't seen the letter, just very, very short excerpt and then I have a quick question.

The town board has the authority pursuant to New York State municipal home rule to enact a short term moratorium on the Wading River Route 25A corridor stretching up Sound Avenue to Hulse Landing while a GEIS is undertaken.

This would ensure that all proposed projects in addition to potential commercial, retail projects are examined for consistency with the adopted comprehensive plan while taking into account any changes that have impacted the area after the adoption of the comprehensive plan.

Our chief concern remains the potential impacts on traffic and safety, the proposed project's conformance with the town code and the adopted comprehensive plan, the question of need for additional commercial development, and the addition of public input in the review process and the preservation of the rural character and appeal of the area.

In the discussion of it, the Supervisor expressed some sympathy with the position in the letter but you raise some concerns and one of these things was the idea if a moratorium were to be enacted, that it might be overturned by a judge, etc. And there were a few other things you had raised. And I believe you were going to ask the town attorney for an opinion."

Supervisor Walter: "Well, we found out a couple things. One, the Zoomas project is going to be captured into the pine barrens commission so that project as it looks right now is not probably going to look the same I would suspect when they deal with the 35% clearing standards and everything else.

The Tunis- Vento is also captured in the pine barrens commission. So neither one of those- both of those projects are going to have to be- we referred to Zoomas project to the commission and the Vento- I don't believe it's been filed yet- is it filed Rick? That will go to the pine barrens commission.

So anything that you might have seen in the past is not going to be the way the projects come out."

Sid Bail: "Yeah."

Supervisor Walter: "Go ahead."

Sid Bail: "I'm sorry. I realize that there would be some adjustment, there had already been some adjustment to the Zoomas project and, you know, talk about it was slightly smaller than the first discussion of it.

But what we were concerned about is the cumulative impacts, the issue of the cumulative impacts. For instance, I asked the question like how much additional commercial space is along that corridor?"

Supervisor Walter: "Here's the fundamental problem here. We adopted a master plan in 2003. We implemented the master plan in '04, '05 and in some cases as late as '06. It is difficult for me-- not conservative philosophically or democratic philosophically, but philosophically we put-- we said this is what you construct-- you can construct. We as a community decided this is what you can construct.

Now my opinion of what may have been adopted as a master plan and what the administration afterwards adopted in zoning, may not mirror each other but the problem is they're not that dissimilar but we as a community said this is what we want. We did a generic environmental impact statement based on this zoning and it's hard to turn around and say let's throw a moratorium, you know.

Even the previous supervisor said you know the master plan should be good for at least 10 years-- "

Sid Bail: "I think he said five."

Supervisor Walter: "What's that?"

Sid Bail: "Five."

Supervisor Walter: "No, I think he said 10; I think he said 10. But, you know, we're only five years into this so I don't know that there's going to be support of the town board to adopt a moratorium and then I return to the question I asked you, what zoning works?"

Sid Bail: "One that-- I don't think destination retail was envisioned."

Supervisor Walter: "With the Kenny Barra piece?"

Sid Bail: "Right."

Supervisor Walter: "Correct."

Sid Bail: "I don't think that was envisioned at all. The

Zoomas parcel, there was a different zone recommended in 2003. There are additional parcels, significant parcels in that corridor that are potentially could be developed.

Is there another 100,000 square foot of commercial development? Another 200,000 square foot of commercial development? You know. It seems like it's insanity not to take a look at it."

Supervisor Walter: "But the- I'm going to say it. The community got what it asked for."

Sid Bail: "No, we didn't."

Supervisor Walter: "Yes, Sid, it did. It absolutely did. We had a master plan process- "

Sid Bail: "We asked for the Barra project. We asked- "

Supervisor Walter: "No. You asked for the zoning you got. You had a master plan that called for specific zoning. You participated in the process- "

Sid Bail: "Yes, I did."

Supervisor Walter: "-- and then zoning was adopted maybe some of us think it didn't quite reflect the intent of the master plan, but the zoning- you participated in that process. It's not a surprise to anybody and what my biggest fear is that, okay, we institute a moratorium or we don't allow these people to construct for whatever reason and we wind up with Kenny Barra, Sound and Park, where the court comes in and says, here it is. Or we wind up with the Manor Inn where the judge- you could get Peter Fox Cohalan and he says, you know what town? You guys are getting out of control here. I don't want to hear it anymore. Here it is. You do it, you do it now.

That's a very real problem to this town right now."

Sid Bail: "If you adopted a short term moratorium, how many short term moratoriums have been overturned- "

Supervisor Walter: "What's the end result of the short term moratorium? We'd have to adopt another comprehensive plan. We'd have to do a hamlet study. That's what you're asking. To do a

hamlet study on top of something we did six years ago."

Councilman Wooten: "Actually it was eight years ago."

Councilwoman Giglio: "And it was also-- that particular piece of property, the Barra piece, was-- it could have been a highway yard. And you know what? We could really use a highway yard right there right now. Would that have been a better alternative than what's being proposed, a highway yard? Because that's what it was zoned for."

Sid Bail: "I'm just saying is, just picture this corridor as it builds out."

Supervisor Walter: "I expressed my dissatisfaction which the News Review reported with the master plan. I'm just-- Sid, I'm trying to figure out-- it's not enough to say moratorium. You as a community, and it's not-- we don't have the money to spend \$100,000 on another master plan so you as a community are going to have to come back and say, you know, we think that this is the zoning that works and we haven't seen that.

We just can't say no because, you know, it's not rocket science. It's not even as complicated as what we're trying to do in EPCAL. In fact, it's much less complicated because you really have the whole zoning code and you can go through and say, you know what? Antique shopping centers-- antique stores might have been a little off the cuff with that one in Aquebogue and Jamesport but you know you as a community might want to come back and say these are the things that we think might work.

I don't know, but to put a master plan-- a moratorium in effect, we have to have then the wherewithal and the votes on the board to do another hamlet study. And that's what the end result is.

But there's another way around. There are other ways to deal with it. The pine barrens commission is a way to deal with it. I did ask the town attorney-- it's not in writing but I will share it with you. I did ask the town attorney if I as the supervisor, we as a town board, have jurisdiction to declare a lead agency on this.

We really don't. There is one little glimmer of hope here and if the opportunity arises, I will ask the board to exert lead agency over all the projects. But that hasn't-- that little thing hasn't

happened yet. And if it does, we're going- I'm going to ask the board and then an impact statement for all of those projects will be looked at."

Councilman Wooten: "And, Sid, I can tell you this. I reached out to our planning director, I said we have to get the information I needed because I realize the study and the hamlet study was done and the original master plan, at least the draft, had a little different vision than the adopted one did and I'm still looking for the justification for those few parcels that were altered to be justified, at least through some sort of open meeting, notes or something.

He says he has those on record. So I want to get those to find out. But I think that's really where the problem lies. I think the vision was- got changed somehow and people weren't aware of it. That's where I really think the problem is, so."

Councilman Dunleavy: "Well, I think- "

Councilman Wooten: "We're looking into it- I'm looking into it."

Councilman Dunleavy: "-- I think when you do these studies, everybody at the time says this is okay and you were there- "

Sid Bail: "Yes, I was."

Councilman Dunleavy: "-- the supervisor was there. I think Bob was there. All- the three of you that are here tonight were there."

Supervisor Walter: "Actually, John, that's really not accurate. You sound like Phil Cardinale at this point. I was a deputy town attorney. I had nothing to do with the master plan."

Councilman Dunleavy: "Well, you were there. You were there. You were sitting right where he is. But you- I didn't say you had anything to do with it. I just said you were there. That's all I said. So don't lead in any information that you don't want to give out and don't comment unless I ask you. It's my turn to comment. Okay? You may be supervisor, but it's my comment time.

And I think what happens is that everybody says, okay, this is

good until someone starts building and then says oh, maybe we shouldn't have done this because now it's going to be-- it's going to (inaudible). And these things happen.

What we have to do is think of how we can correct it so it doesn't happen in the future and make things-- because this town is getting larger. It is getting built out more and more. So these are the things that we have to look at and see if we can correct some of the mistakes that might have been made."

Sid Bail: "One of the things is another factor. If Wading River was anticipated to grow the way it grew in the '70's, '80's, '90's, all right, but I don't think that's going to happen. I don't think you're going to have the kind of population growth that you had at '70. So we're filling up all these commercial spaces and the purpose and intent of the Business CR district is to serve local needs, the local community. It wasn't to become a destination retail center.

And fortunately, like-- unlike a lot of other communities, in even these really hard times there are few vacancies along 25A but like, you know, how many bank pads do you really need in a community? All right. How many pizza parlors do you really need in a community?"

Supervisor Walter: "And that's my question to you because I would tend to agree with you that Kenny Barra's looks more like a destination retail, okay.

So here's your options. You can let him do it and he does it in a way that he did the East Wind in a very nice way with only access to 25A and apparently there's one that I am going to go look at in Jericho and it's not going to be pizza places and it's not going to be liquor stores and it's not going to be bank pads. Because the alternative could be under Business CR, I'm just saying, 12 strip mall, pizza place, bank pad and that's terrible.

And then-- but the alternative is if you follow Dominique's logic in the master plan that didn't get adopted by the 2004 town board, you're really winding up with a mix of residential and apartments and I'm going to be quite frank with you. I doubt that the community of Wading River wants an apartment complex there.

So you haven't given us-- you still haven't given us any options

because those— that's really what was called for in that, either apartments or campus style but it was apartments and office retail, that type of thing."

Sid Bail: "That was the zone, yes."

Supervisor Walter: "And is that what you want? Do you want apartments there? I tell you I would be hard pressed to think that they would want that, the community."

Sid Bail: "Well, we're going to keep working on this and keep coming back because however we got here, it's a sorry state of affairs."

Supervisor Walter: "Well, we got there because we as a community and I'll be the first one to admit, as a community member I was busy keeping my head down working in the town attorney's office and I as a community member did not really pay much attention to the master plan."

And then when I was in the town attorney's office and it was adopted, I really didn't pay much attention to it because I was busy buying farm fields.

I don't like it. I don't like it. There huge sections of the master plan and the Democrats can come out and harass me all they want about undoing the master plan and you're right, Sid, give me a good— give me the way to do this. Give me— I'll ask the board for a hamlet study but I need more than well, we don't want this. And I need to know what do you think you want that if I put that zoning in effect, that we don't lose it lock, stock and barrel and Peter Fox Cohalan says, there you go— "

Councilman Wooten: "It still has to make sense though, Sean."

Supervisor Walter: "Right. But we need something more than just we don't like this."

Councilman Wooten: "Some of it makes no sense."

Supervisor Walter: "Okay."

Councilwoman Giglio: "Oh, I know. But even if we did do what you're suggesting which is a hamlet study, these people are so far

along in the process. I mean, do you think we would get sued and have to spend money on litigation because the property was zoned for something and they applied for it and they put an investment into it, again? Because one of them is a result of a lawsuit that we lost already."

Sid Bail: "Right."

Councilman Dunleavy: "She has it right. We will be sued if this happens, if we took any action as far as rezoning it now. There's no doubt in my mind. And we've already lost one or two. Actually we lost I think three that this happened to. So we're in the ballpark of where are we going?"

Councilwoman Giglio: "We talked about this in the post office the other day and you came up with an excellent suggestion. And that is something that I think we can do, is take a look at all the larger vacant parcels and see what the potential build out of those could possibly be with the current zoning. So I thought that was an excellent suggestion.

But as far as what's on the table now, I think we're just setting ourselves up for a lawsuit and you know wasting taxpayer dollars."

Sid Bail: "So you're not concerned about the cumulative impacts?"

Councilwoman Giglio: "It's not my making, okay. Do I agree with it? Do I think that it's perfect the way it's laid out? No. But you know what? People bought the property and they designed projects for the property based on what the zoning is."

Supervisor Walter: "And the cumulative impacts, you may not want to hear it, the residents of Wading River may not want to hear it, but the cumulative impacts of those proposals were in theory identified and studied in the GEIS. Dominique is absolutely true."

Sid Bail: "Some of them."

Supervisor Walter: "Except for the ones that were done through litigation and so the question becomes for the board, do you go down the road, start litigation again, and what do I pass onto the next board? Exactly what we are receiving? A bunch of cases

that keep failing and failing and judges handing us things that we don't like. I don't know.

I mean we're still- I'm still confident that things are going to happen in the pine barrens commission that are going to be a little bit more palatable to the community."

Sid Bail: "Thank you."

Dominique Mendez: "Hello. Dominique Mendez, Riverhead Neighborhood Preservation Coalition.

So you said that the impacts have already been studied, but the impacts of Knightland project certainly haven't been studied because that was five or six separate parcels. Originally until the last couple of months, it was not zoned for even to allow retail and the proposal itself as you admit, at this point people are starting to say is, destination retail. So that certainly wasn't studied."

Supervisor Walter: "But is that wrong? That's my question, Dominique."

Dominique Mendez: "Yes, of course."

Supervisor Walter: "So would you rather have them assemble it because in theory when they- you don't have to talk about assembling the lots. When you do the generic impact statement, it looks at the lots in total, it looks at the zoning in total. It doesn't look at one individual lot. It looks at them in total.

So if you take away the Knightland project where you might have something that's kind of neat, that's, yes, maybe it is a destination- "

Dominique Mendez: "Which means it brings in the tourists."

Supervisor Walter: "-- but it's not going to be a pizza place, a bank pad, a delicatessen. Because that's what you're asking for. If you don't do this project, he's already assembled the lots, he has the zoning. Do you want a pizza place, a bank pad? Because that's his right. What's better?"

Dominique Mendez: "Well, you do a study. And what I'm saying is that wasn't envisioned, the Zoomas property wasn't envisioned.

In fact, by Lewin's all the picking and the change and the traffic there, that's new. They've expanded their business. That wasn't envisioned. A catering hall right across in a residential area which doesn't even meet the zone, that wasn't envisioned that would share basically an entrance- "

Councilwoman Giglio: "Neither does a restaurant, but go ahead."

Dominique Mendez: "Yeah, I know, all restaurants should have catering halls, I understand that position."

Councilwoman Giglio: "So they can."

Dominique Mendez: "I don't agree with it."

Councilwoman Giglio: "They can per our zoning code."

Supervisor Walter: "I'm working on- there is a theory of which we could exert jurisdiction. There is a theory under whether we could exert jurisdiction and we will- if that comes to pass, we will- I think the board will."

Councilman Dunleavy: "We tried to get the planning board to do an impact study and they refused. They voted it down for traffic and all of that stuff. So- we up here have nothing to do, other than zoning, we have nothing to do for this project. It's the planning board's project, so all we can do is zoning and we just can't change the zoning in midstream."

Dominique Mendez: "Well, you can put a hold and study the project and we can't really suggest- if you don't think that you can put a moratorium because it could result in rezoning that would be challenged, I'm not sure how it makes sense for us to make suggestions for zoning without the benefit of a study--"

Supervisor Walter: "I want to know what- "

Dominique Mendez: "-- that you would adopt."

Supervisor Walter: "We spent a long time studying this. Your community that you live in was part of this. They got what they asked for. You may not agree with it now but you got- everybody was up front, nobody did anything underhanded."

Maybe the Zoomas— not the Zoomas, maybe the Barra piece didn't get the right zoning and then maybe not. Because I'm going to tell you, I can read that paragraph two different ways and you may not think that's the case, but you can read it in two different ways and if— the one thing that you need to understand and I don't think you want to understand is it's construed against the writer.

So if that is unclear to a judge and we stop Mr. Barra and the paragraph is unclear, it will be construed against the town in favor of Mr. Barra. That's the way the law is. So you just can't go in there and turn around and say— "

Councilman Wooten: "And that was so poorly edited, that I'm not so sure about that."

Supervisor Walter: "It's construed— Jim, it's construed against the writer. It's construed against the draftsperson, period. That's the law."

Councilman Wooten: "I want to know who wrote the sentence."

Dominique Mendez: "That's all I want to say."

Councilman Dunleavy: "Thank you, Dominique."

Dominique Mendez: "Okay, thank you very much."

Supervisor Walter: "Yes. Councilman Bartunek, would you like to come join us up here now?"

George Bartunek: "You want to make it six? George Bartunek, Calverton. I want to take this opportunity to kind of address something that is something that I proposed when I was on the town board and that was the rec path, around the perimeter of EPCAL.

And I find it kind of interesting, Resolution 111, which is looking for funding for an ice rink facility downtown. Did John fill everybody in on that?"

Councilman Dunleavy: "I have been pushing for this for two years and this town board or the other town board will not finish that bike path. They won't even get it so people can— it's been there, we can't get it connected so people can ride that bike to the end and back again."

George Bartunek: "Well the point is, does this town board know- "

Councilman Wooten: "This is downtown revitalization grants- "

Supervisor Walter: "Do you have some information on this?"

(Inaudible comment)

George Bartunek: "You know you had the money."

Councilman Dunleavy: "I got the money. And they didn't spend it. They cut it in half because the town board wouldn't take any action on it. I was the one who got the money."

Councilman Wooten: "That was before me. That was prior to me."

Councilman Dunleavy: "And they wouldn't take any action because I'm not saying because I'm John Dunleavy, because they just didn't want to take any action. But when other people on this town board want something, they get it done right away."

George Bartunek: "If you get the grant money and if it doesn't happen again, maybe Sen. LaValle will dedicate it to finish the rec path at EPCAL. You've got three plus miles of beautiful asphalt, eight foot wide paving there that goes nowhere. John, you're right. I mean when you start the environmental study, Sean, when you start- "

Councilman Dunleavy: "But you have to have a little more impact than I do on this town board."

George Bartunek: "I don't think Sean that you have to wait two years until your environmental study is done. Huh?"

Supervisor Walter: "I don't think so either."

George Bartunek: "Because it's not going to be part of the land. It's going to be sold for development."

Councilman Dunleavy: "Maybe they'll listen to you, George."

Councilwoman Giglio: "I think it's a great idea. I'd like to

see that path come all the way down River Road and all the way down to 25 and then 25 all the way into downtown Riverhead along the wild scenic recreational river. And then all the way into Jamesport to connect to that sidewalk, that little patch. We're going to get New York State DOT on board with us and take it all the way down 25."

George Bartunek: "I think it's more likely given the environment right now, the economic environment, it's more likely you're going to get funds from the DOT to finish this and connect from 25A at least to Grumman Blvd. or River Road than to get- it would be great to have (inaudible)."

Supervisro Walter: "George, I can't even get the DOT to approve the last payments on the rail spur."

Councilman Gabrielsen: "George, the good news tonight is we passed a resolution opening the gates. So now you can get in and use what's there. We talked about that. We just passed a resolution."

George Bartunek: "Well, the gates have been opened but I didn't (inaudible)."

Councilman Gabrielsen: "The gate has been open. The access to come in now, you've got access to the bike path."

George Bartunek: "I went around the gate. I got scratched- I got a lot of ticks going around- "

Councilman Gabrielsen: "Well, Joe Public, now can get in there."

Councilman Dunleavy: "That's a big stretch, to have access to that bike path from where- "

Supervisor Walter: "George, we'll get it open. It's something that's going to be discussed on Friday."

Councilman Wooten: "(inaudible) are downtown grants, they're not bike path."

Sal Mastropaolo: "George is worried about using the bike path. You still haven't opened up the gate east of the incubator. That gate is still locked."

Councilman Dunleavy: "That's still- I know that. Nobody want to open it."

George Bartunek: "I think it's open now, isn't it?"

Councilman Dunleavy: "No, it's still locked. Nobody wants to open it."

Supervisor Walter: "Okay, thank you. Anybody else want to be heard tonight? There being nobody, can I get a motion to adjourn? How about a motion to adjourn?"

Councilman Dunleavy: "I make a motion to adjourn."

Supervisor Walter: "All in favor?"

Collective response: "Aye."

Meeting adjourned: 9:30 p.m.

Chane M. Wilhelm
Town Clerk